

Records from the National Archives

Acknowledgements

A museum exhibit is never the work of one person, and I have many thanks to give to those who amended and ratified the exhibit.

"Amending America" was created under the direction of Lisa Royse, Director of Exhibits, and Jim Gardner, the Executive for Legislative Archives, Presidential Libraries, and Museum Programs. The exhibition and this eGuide would not have been possible without the combined efforts and expertise of many National Archives staff.

The skilled team at the National Archives Museum was generous with time and talents. Ray Ruskin designed the exhibit. Amanda Perez created and designed this eGuide and the exhibit graphics. Karen Hibbitt, James Zeender, Patrick Kepley, and Alexis Hill served as exhibit registrars. Darlene McClurkin identified audiovisual assets that notably added value. Terry Boone was the chief exhibit conservator. Michelle Farnsworth and the digital imaging staff were responsible for the digital image scanning.

My colleagues at the Center for Legislative Archives were instrumental in launching this project and assisting throughout. I am grateful to Center Director Richard Hunt and Outreach Supervisor Charles Flanagan for supporting my work on this exhibit. Martha Grove and Tom Eisinger made it possible to feature many documents from Legislative Archives. Natalie Rocchio and Archives Historian Jessie Kratz read drafts of the exhibit script, and through their thoughtful reading and insightful comments, the final script evolved into a more concise, refined story.

In addition, I am grateful to the following National Archives staff for their expertise and assistance: Audrey Amidon, Rachel Bartgis, Kelly Barton, Steve Branch, Bruce Bustard, Katherine Chin, Bob Clark, Sara Davis, Laura Diachenko, Mike Duggan, Mickey Ebert, Courtney Egan,

Cecilia Epstein, Dan Falk, Cathy Farmer, Jane Fitzgerald, Benjamin Guterman, Matthew Hanson, John Heyn, Heidi Holmstrom, Robert Holzweiss, Michael Hussey, Suzanne Isaacs, Kristina Jarosik, Alice Kamps, Mirian Kleiman, Criss Kovac, Amber Kraft, Meghan Lee, Mike MacDonald, Sarah Malcolm, Rebecca Martin, Richard McCulley, Kate Mollan, Tom Nastick, Hilary Parkinson, Ryan Pettigrew, Corinne Porter, Trevor Plante, Holly Reed, Mary Ryan, Jason Shultz, Lynn Smith, Yoonjoo Strumfels, Charlotte Sturm, Carol Swain, Jenny Sweeney, Lauren Varga, Deborah Wheeler, Anne Witty, and Morgan Zinsmeister.

This project received significant assistance from volunteers and student interns, who have my thanks: Carol Becker, Madeline Espeseth, Lee James Irwin, Dilys Lande, Maria Lee, Sarah Legalt, Janet MacCreery, Samantha Payne, Dan Ruprecht, Paige Weaver, Shannon Welch, Claudia Wharton, and Emily Worland.

I also appreciate the assistance of several knowledgeable and insightful scholars—Senate Historian Emeritus Donald Ritchie, House of Representatives Historian Matthew Wasniewski, and Historian

Emeritus David Kyvig from Northern Illinois University. Museum exhibition consultant and author Beverly Serrell contributed tremendously helpful insight at the outset of this project.

The National Archives Foundation, under the leadership of Chair A'Lelia Bundles and Executive Director Patrick Madden, generously supported "Amending America." The exhibition is made possible in part by the National Archives Foundation through generous support from AT&T, HISTORY®, and the Lawrence F. O'Brien Family.

My deepest thanks and gratitude go to co-curator Jennifer N. Johnson, without whom this exhibit would be substantially inferior. Jen's guidance, advice, insight, and knowledge were indispensable in turning a spark of an idea into a reality.

My husband Kevin Blackerby has been unfailingly patient and good humored as I puzzled through the creation of this exhibit. I am incredibly thankful for his support.

Christine Blackerby, Co-Curator of "Amending America"

Amending AMERICA

Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee
Nineteenth • Twentieth • Twenty First • Twenty Second • Twenty Third
Fourth • Twenty Fifth • Twenty Sixth • Twenty Seventh • First • Second
Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Tw
Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee

Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Tw

Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee



V

Introduction

11,000 Attempts, but Only 27 Amendments

Only 27 times—out of more than 11,000 proposals—have Americans reached consensus to amend the Constitution.

It is difficult—but not impossible—to turn an idea into an amendment. So few amendments have been successful because our Constitution sets a high bar to pass amendments. So, what kinds of proposals achieve enough support to become a ratified amendment?

We have amended our Constitution to reshape fundamental rights, key legal powers, or elemental government structure. We have expanded voting through amendments to broaden participation. We have guaranteed our rights to experience more freedom. We have improved the structure of our government to be more secure.

We amend not only to solve current problems. We amend when Americans share an understanding of an essential concern that affects us all. We amend so that We the People can create a more perfect Union. When we add new ideas to our fundamental governing charter—our Constitution—we are Amending America.

"Let us go on perfecting the Constitution by adding, by way of amendment, those forms which time and trial show are still wanting."

—President Thomas Jefferson, 1803



Introduction: By the Numbers

Amendments passed by Congress but not ratified by the states

Amendments introduced in

Congress but not passed

11,000+

Percentage of amendment proposals that became ratified amendments

25%

Ratified amendments

Article V

Our First Government Failed

The Articles of Confederation, our first system of government, required unanimous consent to be amended. When representatives of 12 of the 13 states gathered in Philadelphia in 1787 to propose changes to the Articles of Confederation, they quickly realized that it would be impossible to get all states to agree on all of the changes. They decided to discard the Articles altogether and start anew. The result was the Constitution.

A Balance of Flexibility and Stability

The Founders purposefully made it hard, but not impossible, to amend the Constitution. Article V of the Constitution was included to provide a way for amendments to be made in an orderly, reasonable way. Article V aimed for middle ground—flexible, yet stable.

Our Amending Power is an American Innovation

Rarely before did a people have the ability to peacefully adapt and adjust their government. Before Article V in our Constitution, governments generally changed through war or violence, not votes. The Founders believed that the people should have a voice in constitutional matters, not just regular legislation.

"I do not conceive that we are more inspired—have more wisdom—or possess more virtue than those who will come after us. The power under the Constitution will always be with the people."

-George Washington, 1787





The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

"We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors."

—Thomas Jefferson, 1816

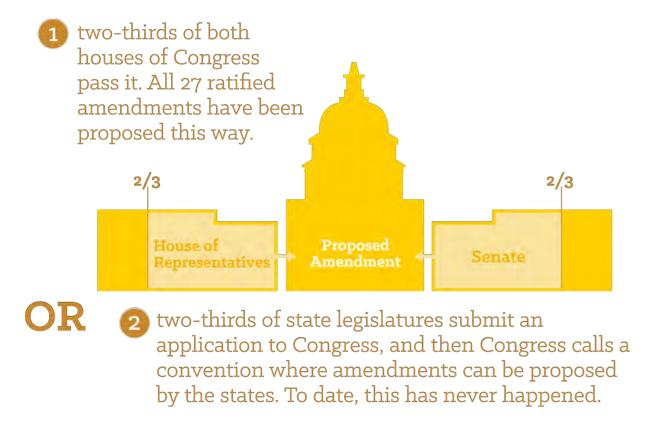
Article V is on the fourth page ("the signature page") of the Constitution

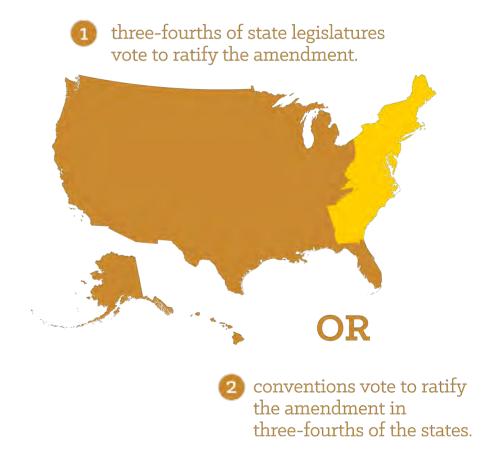
How We Amend

How does an idea become an amendment?

There are two parts to the amending process: **proposing** and **ratifying**.

Each can happen two ways. The first way: Congress proposes, legislatures ratify





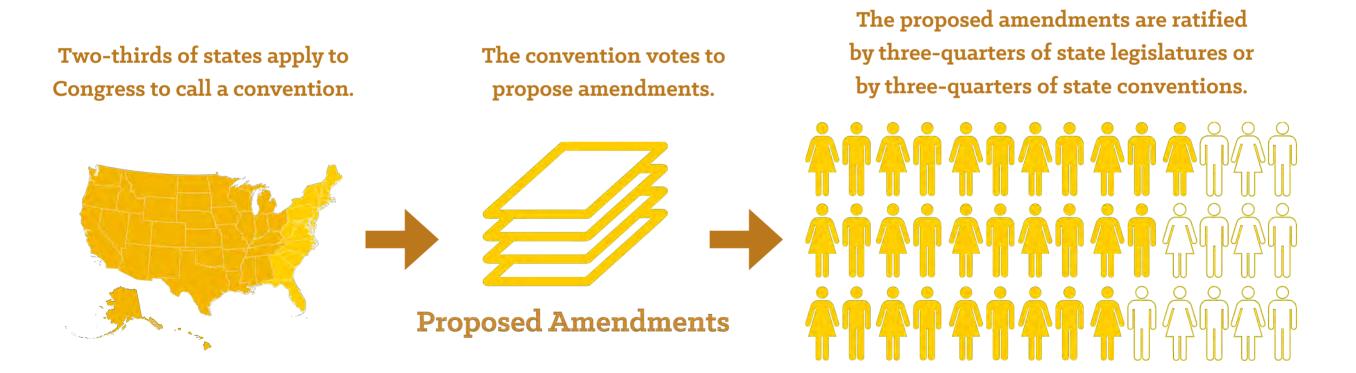
After the required number of states ratify, the Archivist of the United States certifies the amendment as part of the Constitution.

How We Amend

The second way: The Convention Method

The convention method for *proposing* amendments has never been used. The Constitution is vague on how such a convention would work. Congress has received convention applications from the states on many topics, including direct election of Senators and balancing the budget.

The convention method for *ratifying* amendments has been used one time—to ratify the 21st Amendment that repealed Prohibition.



Laws vs. Amendments

Laws are passed by Congress with a simple majority vote, then approved by the President. They can be changed by passing another law.

Amendments change the fundamental structure, powers, or protected rights of the government or citizens. They change how the government itself works. To ensure that such fundamental changes are not made in haste, two-thirds of both houses of Congress and three-quarters of the states (or conventions) must pass an amendment.

Is there any part of the Constitution that is off limits to amendments?

Yes. **Article V** specifies two parts of the Constitution that cannot be changed by amendment:

- Prohibition of the importation of slaves before 1808
- Equal representation of states in the Senate

These two restrictions were included to protect two of the great compromises the Founders made while crafting the Constitution. The free and slave states had agreed to not legislate on the slave trade for 20 years, and the big and small states had agreed that the Senate would represent each state equally, regardless of population.

Our RIGHTS

Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee Nineteenth • Twentieth • Twenty First • Twenty Second • Twenty Third Fourth • Twenty Fifth • Twenty Sixth • Twenty Seventh • First • Second Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Twenty First • Twenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee Nineteenth • Twenty First • Twenty Second • Twenty Third

Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Tw Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee

Our Rights

A History of Expanding Democracy and Freedom

More than anything else, the history of constitutional amendments is a history of expanding rights and democracy. Seventeen of the 27 ratified amendments secure or expand individual rights. Some proposed amendments would limit or remove individual rights, but none of these have ultimately been successful.

Our Rights explores:

The Bill of Rights: Our first 10 amendments, known collectively as the Bill of Rights, secure the fundamental rights that Americans believe belong to all free people. They attempt to balance majority rule with minority rights.

The Vote: Five ratified amendments granting suffrage—the ability to vote—have brought new voters into our constitutional foundation of "We the People," but the right to vote still isn't guaranteed to all Americans.

Equality: The Declaration of Independence stated that "all men are created equal." Those words inspired several proposed amendments dedicated to renewing our nation's commitment to this principle.

"A bill of rights is what the people are entitled to against any government on earth, general or particular, and what no government should refuse, or rest on inference."

—Thomas Jefferson to James Madison, December 20, 1787



Ratified amendments that are related to rights

Number of those amendments that were ratified, and became known as the Bill of Rights

Number of those amendments that were ratified, and became

6340

Number of members of the House of Representatives if the first amendment proposed by the First Congress had passed (today we have 435) 10

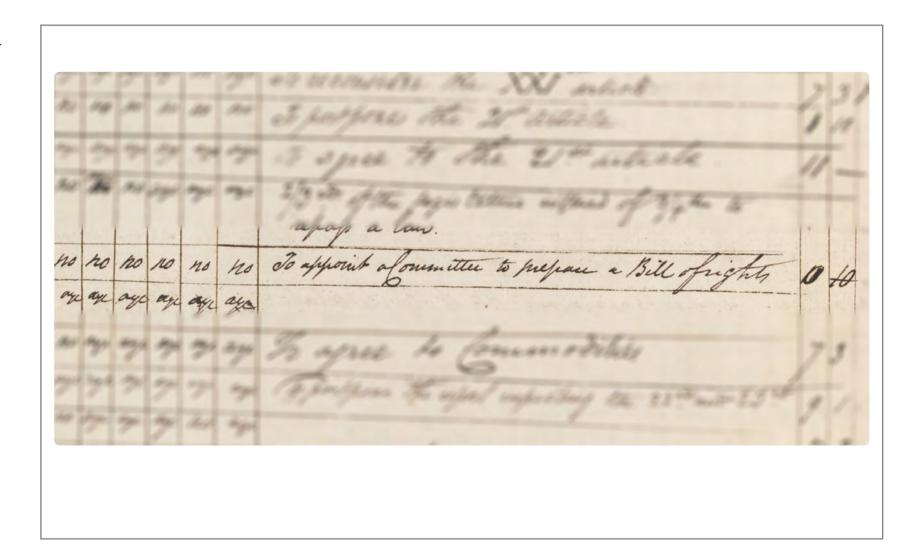
Amendments sent by the First Congress to states for ratification

No Need for Rights

The omission of a bill of rights from the Constitution was deliberate, not an oversight. George Mason proposed adding a bill of rights just five days before the Constitutional Convention ended. But after a short debate, the state delegations voted down the motion, 0–10. That became a problem during the ratification process when several states insisted on protection of rights.

Voting Record of the Constitutional Convention, showing the vote on the motion to appoint a committee to prepare a bill of rights, 1787

Records of the Continental and Confederation Congresses and the Constitutional Convention

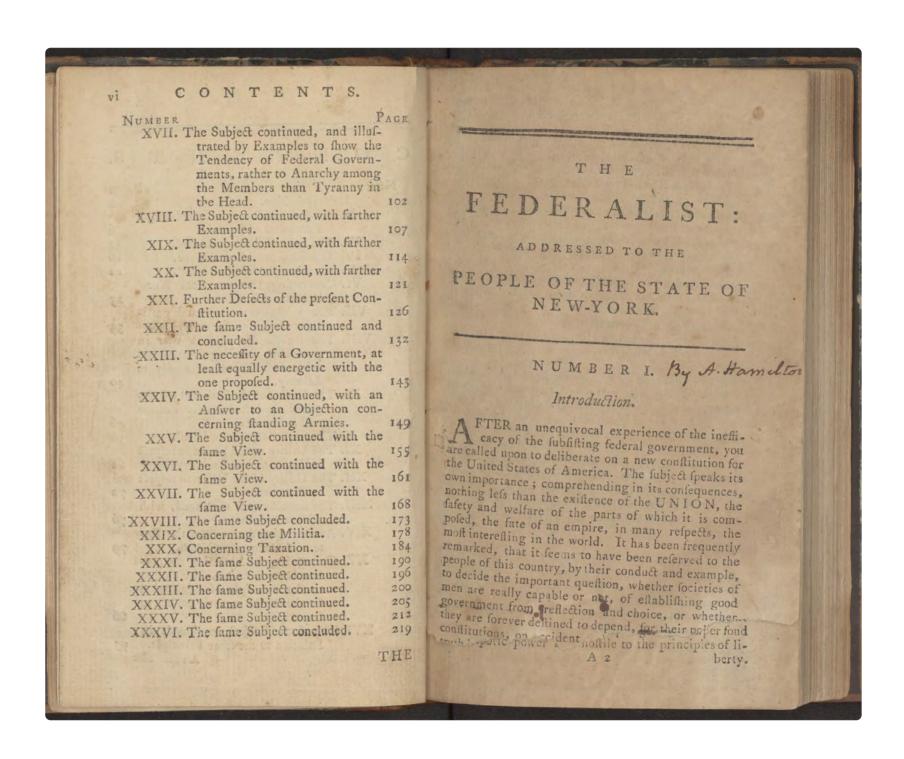


Dangerous and Unnecessary

Supporters of the Constitution, the Federalists, thought a bill of rights was unnecessary and even dangerous. The authors of The Federalist Papers, including James Madison, argued for ratification of the Constitution without a bill of rights. They thought no list of rights could be complete, therefore it was best to make no list at all.

The Federalist: A Collection of Essays, Written in Favour of the New Constitution, #1, 1787

Library of Congress



Almost Fatal Mistake

The omission of a bill of rights proved to be a mistake almost fatal to the Constitution. New York and several other states agreed to ratify with the promise that the First Congress would add rights to the Constitution through the amendment process. These states might have rejected the Constitution without the promise of a future bill of rights.

Ratification of the Constitution by New York, with proposed amendments, July 26, 1788

Records of the General Government



Why a Bill of Rights?

The First Congress included a preamble to the Bill of Rights to explain why the amendments were needed. Declaring that they were a response to the demand for amendments from the state ratifying conventions, the preamble states that Congress proposed them "to prevent misconstruction or abuse of its powers" and to extend "the ground of public confidence in the government."

Change to the preamble to the Bill of Rights, August 25, 1789

Records of the U.S. Senate

Resolved that the Senate do concur with "The Conventions of a mumber of the States having, at the time of their adopting. Constitution, expressed a desire, in order to pre mis construction on abuse of its powers, that further declaratory and restrictive clause Thould be added, And as extending the grown of public confidence in the Government, best ensure the beneficiant ends of its instite and Striking out there words , Lines 6. 4 7." deeming it necessary and inserting instead thereof, "concurring!

The Ones that Failed

These motions suggested additional amendments during debate in the Senate. They came from state ratifying conventions, as did most of the amendments proposed by James Madison in the House of Representatives. Motion C was proposed again by Congress in 1810, but wasn't ratified. It would have denied public office to anyone who accepted a "title of nobility" from a king.



Motion A proposing amendments that failed in the Senate, September 7, 1789

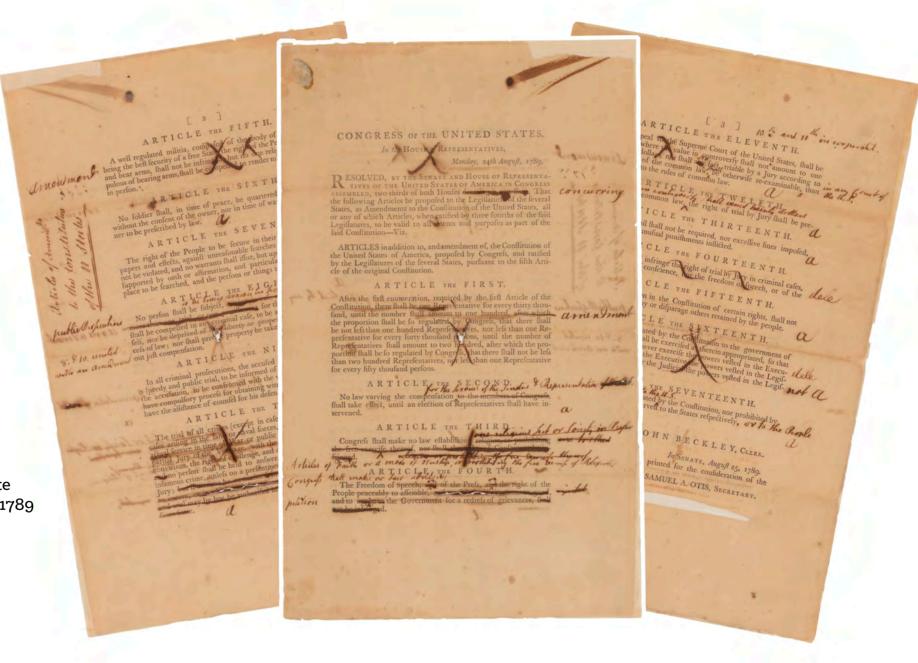
Records of the U.S. Senate

Editing the Bill of Rights

The Senate reworked the amendment language passed by the House of Representatives. Their marked-up draft spilled the most ink on the Third and Fourth Articles, which were combined to form the First Amendment. It protects freedom of religion, speech, and press, and the right to assemble and petition.

Senate Revisions to House Proposed Amendments to the U.S. Constitution [Senate Mark Up of the Bill of Rights], September 9, 1789

Records of the U.S. Senate

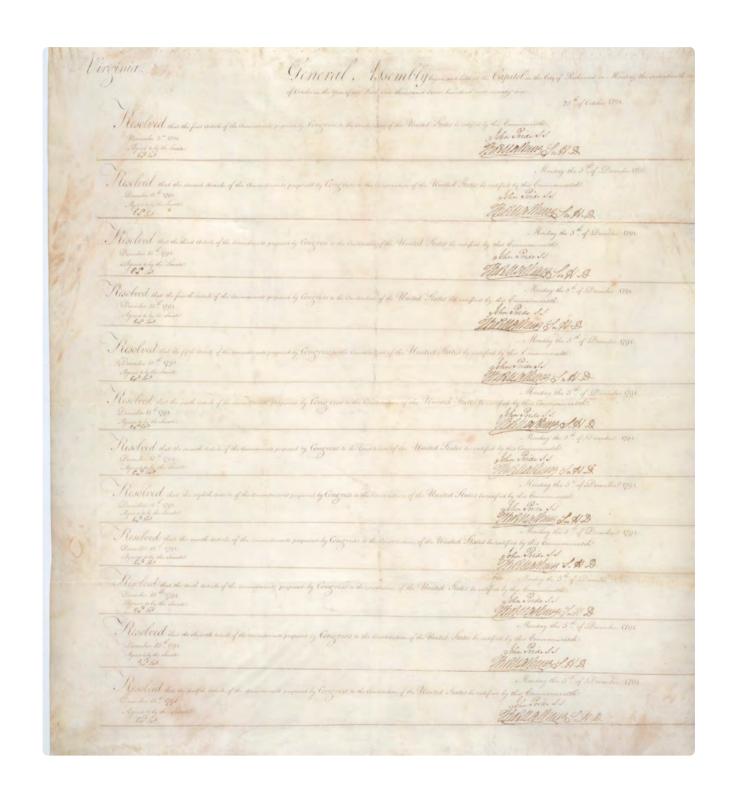


225 Years Old

The Bill of Rights became the first 10 amendments to the Constitution when Virginia ratified them on December 15, 1791. Of the 14 states in the Union, Virginia was the 11th to ratify, thus providing the constitutionally required bar of three-quarters of the states needed for ratification. Since 1941, December 15 has been celebrated as Bill of Rights Day.

Virginia's ratification of the Bill of Rights, December 15, 1791

General Records of the U.S. Government



"UnAmerican" Beliefs

Should political beliefs considered "unAmerican" send you to prison? No, said the Hollywood writers and actors who created the Committee for the First Amendment in 1947. Pursuing communists during the Cold War, Congress subpoenaed the "Hollywood Ten" to question their beliefs. Citing the First Amendment, they refused to answer, and were jailed for contempt. Congress later abandoned these hearings.

Statement of the Committee for the First Amendment, circa 1947

Records of the U.S. House of Representatives

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

First Amendment,

U.S. Constitution, 1791



The Committee for the First Amendment We, the undersigned, as American citizens who believe in constitutional democratic government, are disgusted and outraged by the continuing attempt of the House Committee on Un-American Activities to smear the Motion Picture Industry. We hold that these hearings are morally wrong because: Any investigation into the political beliefs of the individual is contrary to the basic principles of our democracy; Any attempt to curb freedom of expression and to set arbitrary standards of Americanism is in itself disloyal to both the spirit and the letter of our Constitution. Committee for the First Amendment BURGESS MEREDITH EDDIE CANTOR BENNY GOODMAN DORIS NOLAN RICHARD CONTE VAN HEFLIN GREGORY PECK NORMAN CORWIN PAUL HENREID VINCENT PRICE PHILIP DUNNE KATHARINE HEPBURN MILTON SPERLING JULIUS EPSTEIN JOHN HOUSEMAN SHEPPERD STRUDWICK PHILIP EPSTEIN BARRY SULLIVAN HENRY FONDA IOHN HUSTON IERRY WALD MELVIN FRANK NORMAN KRASNA CORNEL WILDE AVA GARDNER ANATOLE LITVAK SHERIDAN GIBNEY MYRNA LOY WILLIAM WYLER DOROTHY McGUIRE COLLIER YOUNG The above statement has been given to the American press. If it expresses your views and you wish to join with us in further action against this affront to our way of life, please wire:

Practicing Religion

Prayer had been a fixture in many schools. When it was challenged in 1962 and 1963, the Supreme Court ruled that prayer directed by public schools violated the First Amendment's Establishment Clause. This church supported an unsuccessful amendment to overturn the Court's decisions: "if this nation is to survive as a bulwark of freedom, it must do so under God."

Letter from the Central Christian Church of Fort Lauderdale in favor of a school prayer constitutional amendment, June 11, 1964

Records of the U.S. House of Representatives

CARMON S. BOWERS

1650 EAST SUNRISE BOULEVARD FT. LAUDERDALE, FLORIDA



June 11. 1964

Hon. Emmanuel Cellar, M.C. Washington, D. C.

Dear Congressman Cellar:

At the regular June meeting of the Elders and Deacons of the Central Christian Church, I was appointed to write you urging that the bill now in your committee to amend the Constitution, so as to make possible prayer and Bible reading in Public Schools, and guarantee the right to use the name of God in public documents, coingge, etc. be taken out of committee and put before the Congress.

You, and your committee, are no doubt aware that the overwhelming majority of Americans oppose and deplore the Supreme Courts rulings which struck down God and His Word.

It is the unanimous opinion of the Central Christian Church

of Fort Lauderdale that:
"We are either for or against God. That righteousness exalteth a nation. That God still has a hand in the affairs of men and of this nation. We recognize that the hour is late, and that if this nation is to survive as a bulwark of freedom, it must do so under God, else it will perish from the earth. We deplore the insiduous, backward and downward trend towards godless totalitarianism, and we beg of you to use every effort possible to get this bill out of committee now."

Thank you for your consideration,

CSB:jb

Dr. R. E. Stephenson, Minister Mr. Henry Sexton, Chairman. Hon Paul Rogers, M.C. Hon Spessard Holland Hon Geo. Smathers.

Most sincerely,

for CENTRAL CHRISTIAN CHURCH OF FT LAUDERDALE.

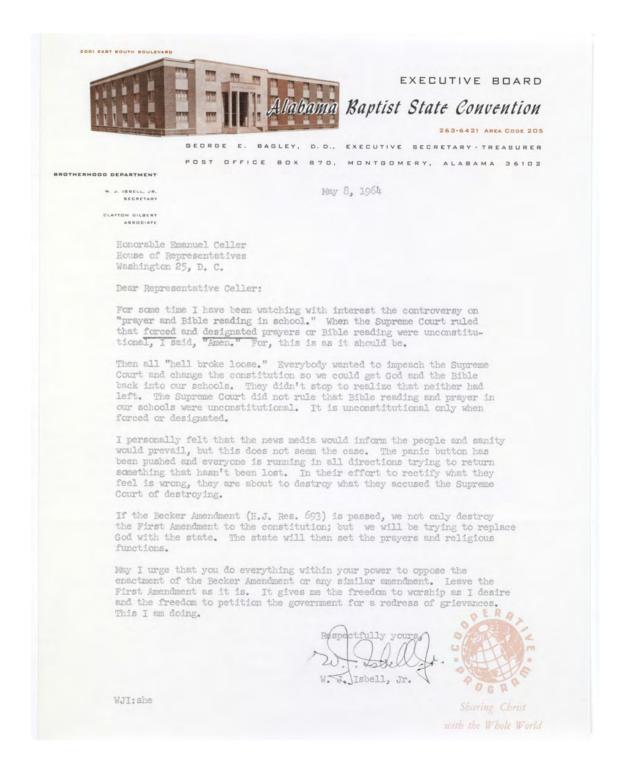
ESTABLISHED 1938

Prayer and Bible in Schools

God and the Bible never left schools, this
Baptist letter writer pointed out. While
some religious organizations welcomed an
amendment authorizing school prayer,
others argued that existing laws already
protected religious freedoms. With religious
institutions divided, the proposed
amendments died in congressional
committee. The school prayer amendment
is one of the most frequently introduced
amendments in Congress.

Letter from the Alabama Baptist State Convention opposed to a school prayer constitutional amendment, May 8, 1964

Records of the U.S. House of Representatives



Flag Burning = Free Speech

Flag burning is free speech, ruled the Supreme Court in *Texas* v. *Johnson* (1989), stating, "Government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." In response, Congress considered a resolution to alter the First Amendment. The Flag Desecration Amendment failed, for many of the reasons listed in this letter.

Petition from People for the American Way opposed to the flag burning constitutional amendment, June 20, 1990

Records of the U.S. Senate

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion . . ."

Supreme Court Justice Robert H.

Jackson, in West Virginia Board of
Education v. Barnette (1943)



John Buchanan, Jr.
Chairman of the Board

June 20, 1990

Dear Senator:

People For the American Way Action Fund and its 290,000 members urge you to oppose the proposed constitutional amendment to prohibit flag burning. It would be unfortunate, indeed, to mark the bicentennial of the Bill of Rights by amending the First Amendment for the first time in our nation's history.

Already both the Subcommittee on Civil and Constitutional Rights and the full House Judiciary Committee voted against recommending the constitutional amendment to the full House. It is significant that these panels, which have taken extensive testimony and studied the issue most closely, have rejected the proposed constitutional amendment to prohibit flag burning.

Seeing the American flag burned is painful to all of us, but altering our national charter and rule of tolerance is far worse. Quashing dissent is the hallmark of unpopular repressive regimes. Therefore, we are not surprised to learn that this week China will pass a law banning flag desecration. (See enclosed story) Governments that do not enjoy popular support can only obtain allegiance by compelling it.

American is better than that. Americans love and respect the flag because they love and respect this country. We cannot legislate any greater patriotism, and it is wrong to try. If a few misguided souls burn the flag, the best response is to fly our own flags a little higher. For our flag symbolizes the individual freedoms guaranteed by the Bill of Rights. If we amend the Bill of Rights we will sully our Constitution and dishonor our flag.

Once again, People For the American Way Action Fund urges you to vote against this unprecedented, unnecessary and unwise amendment to the Bill of Rights.

John H. Buchanan, Jr.

2000 M Street, NW, Suite 400, Washington, D.C. 20036

(202) 467-4999

Free Press for Comic Books

Does the First Amendment's protection of the free press include crime and horror comic books aimed at children? These comic books were some of the more than 600 collected by the Senate Judiciary Subcommittee on Juvenile Delinquency during a 1954 investigation to determine if such comics contributed to youth crime. Although the Senate considered censoring this kind of publication, ultimately it proposed no corresponding bill.

Panic, No. 2, May 1954

Records of the U.S. Senate



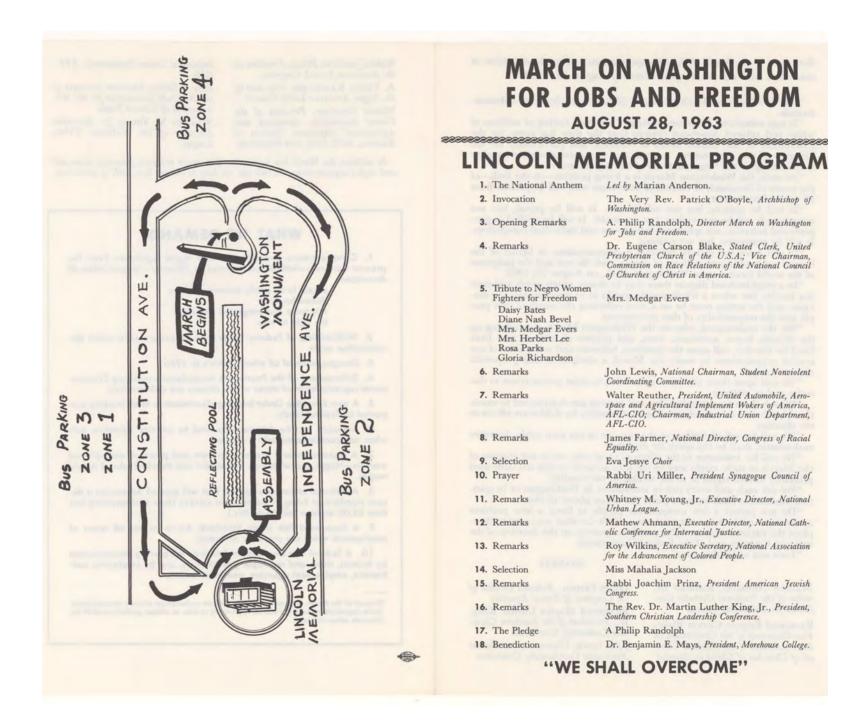


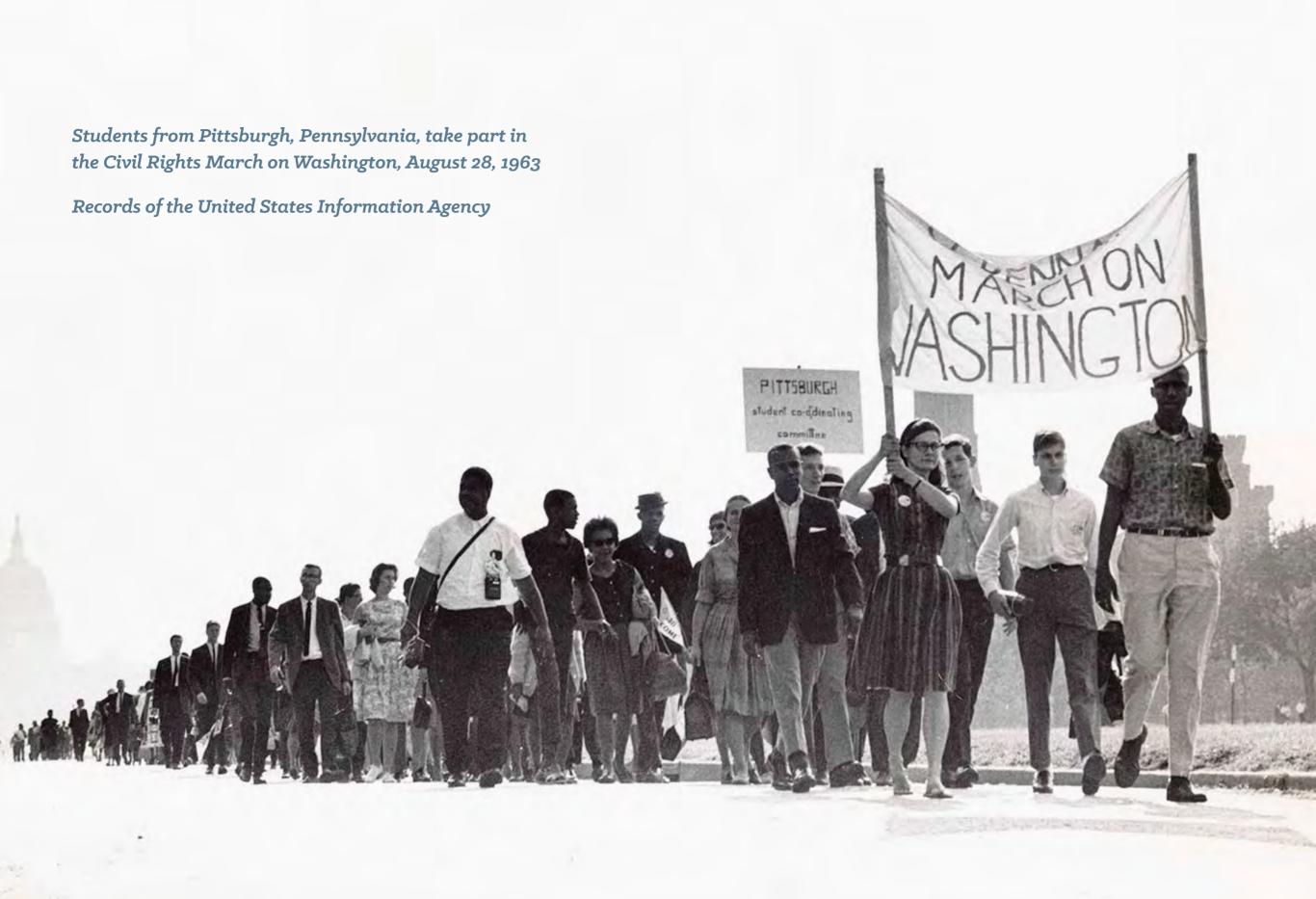
Right to Peaceably Assemble

Opponents of the pending Civil Rights Act predicted violence at the 1963 March on Washington and attempted to block the demonstration. Their fears were unfounded, and the march proceeded calmly. Many of the addresses were memorable—especially Martin Luther King, Jr.'s "I Have a Dream" speech—but the most emotionally powerful aspect of the march was the demonstrators' peaceful assembly.

March on Washington for Jobs and Freedom, Lincoln Memorial Program, August 28, 1963

John F. Kennedy Presidential Library



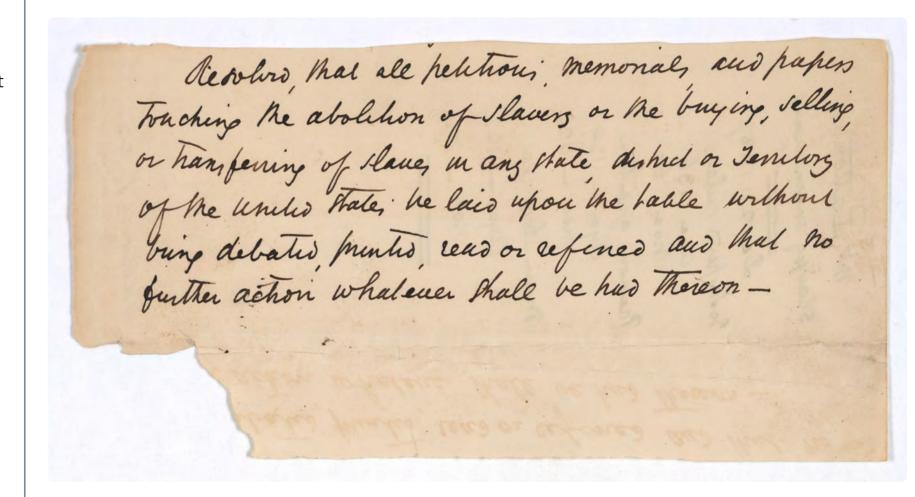


The Gag Rule on Petitions

Slavery was such a contentious issue in the 1830s that Congress simply didn't talk about it. The "gag rule" passed in the House of Representatives in 1836 automatically tabled (dismissed) all petitions regarding slavery. The House rescinded it in 1844 when Representative John Quincy Adams successfully argued that—whatever one's view on slavery—stifling the First Amendment right to petition was unconstitutional.

Resolution That All Petitions, Memorials, and Papers Relating to Slavery Be Laid Upon the Table without Being Debated, Printed, Read or Referred [Gag Rule], December 21, 1837

Records of the U.S. House of Representatives



19th Century Petitioning

Petition drive organizers in the 1800s and 1900s vigorously exercised their First Amendment right to petition the government. Organizers printed the text of a petition on the top of a page, and then left the bottom blank for signatures. With signatures gathered, the pages were often glued end to end to form one giant document and then sent to Congress.

Rolled petition of residents of the District of Columbia against the enactment of a District Prohibition bill, circa 1939

Records of the U.S. Senate

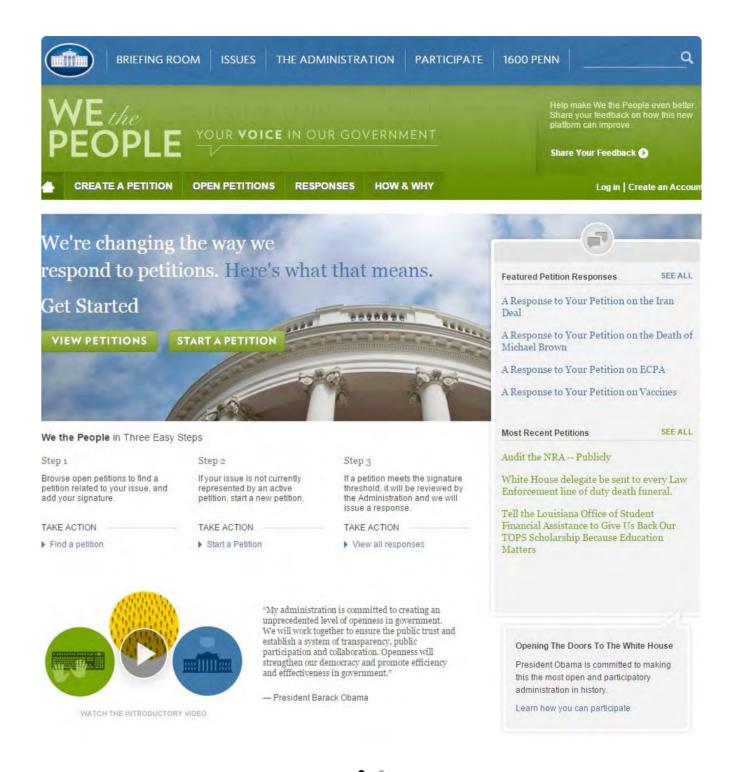


21st Century Petitioning

Like so many other aspects of 21st-century life, petitioning has gone digital. The Obama administration created the We The People petition website to allow direct petitioning of the President through Whitehouse.gov. Anyone can create a petition. If a petition gets 100,000 signatures within 30 days, the administration will respond.

We the People White House Petition Website, August 4, 2016

https://petitions.whitehouse.gov





The Right to Bear Arms?

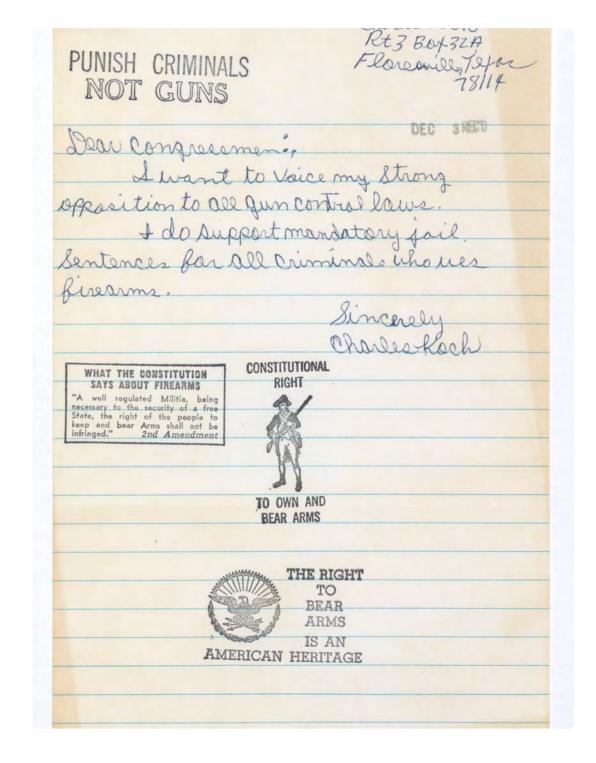
Can anyone own a gun? The phrasing of the Second Amendment has led to different interpretations. A long-standing argument is that the "right to bear arms" is a collective right that prohibits the Federal Government from disarming state militia. The predominant argument says it is an individual right guaranteed to every citizen. This petitioner opposed all laws limiting individual gun ownership.

Letter to Congress opposed to gun control laws, December 3, 1975

Records of the U.S. House of Representatives

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

Second Amendment, U.S. Constitution, 1791



"Saturday Night Specials"

In 1975, President Gerald Ford escaped two assassination attempts, both made with "Saturday Night Specials." Many citizens blamed these small, easy-to-conceal handguns for rising crime rates. The D.C. Firearms Control Regulations Act passed soon after. The Supreme Court invalidated the act in *District of Columbia* v. *Heller* (2008), ruling that gun ownership is an individual right.

"The Saturday Night Special: A major cause of heartburn," circa 1975

Records of the U.S. House of Representatives

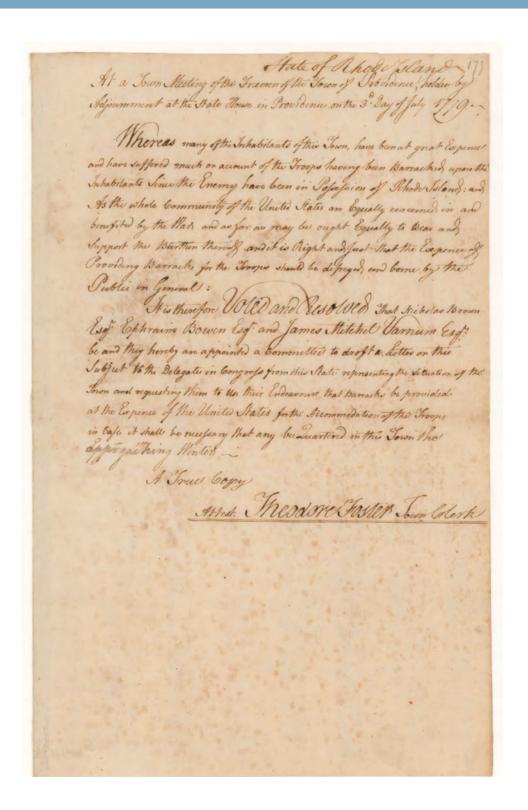


Quartering in Private Homes

The British Army's quartering, or lodging, of troops in private homes was one reason Americans sought independence from Great Britain. During the Revolutionary War, American troops were also quartered in private homes because they had no barracks. Weary Rhode Islanders wrote this resolution to Congress demanding that barracks be built. In 1791, the Third Amendment placed restrictions on quartering.

True copy of a Resolution from Freemen of Providence, Rhode Island, to draft a letter to Congress to represent the situation of quartering in Providence, July 3, 1779

Records of the Continental and Confederation Congresses and the Constitutional Convention

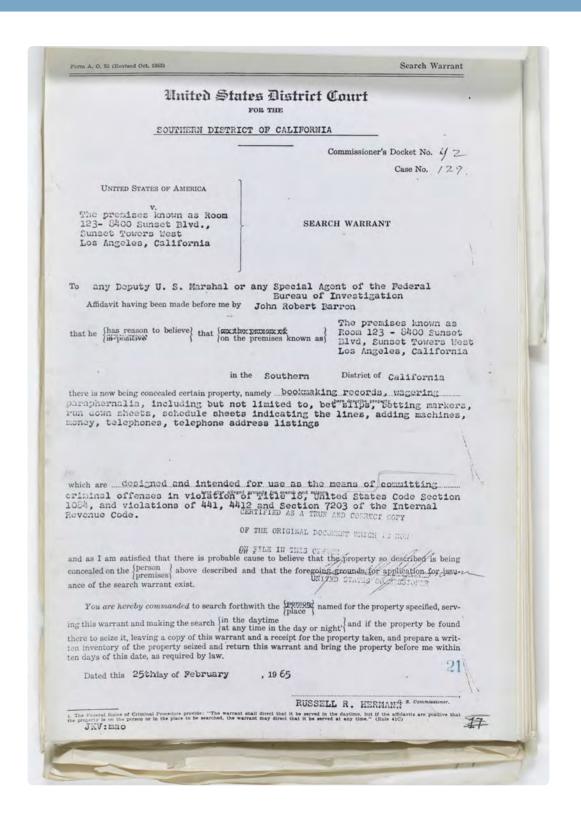


Search and Seizure

The FBI obtained this search warrant for Charles Katz's apartment after it wiretapped—without a warrant—a public phone booth he used to place illegal bets. In 1967, the Supreme Court overturned Katz's conviction. It ruled that any conversation is protected from "unreasonable search and seizure" by the Fourth Amendment when conducted with a "reasonable expectation of privacy," regardless of the location.

Search warrant from [Katz v. United States], February 25, 1965

Records of the Supreme Court of the United States



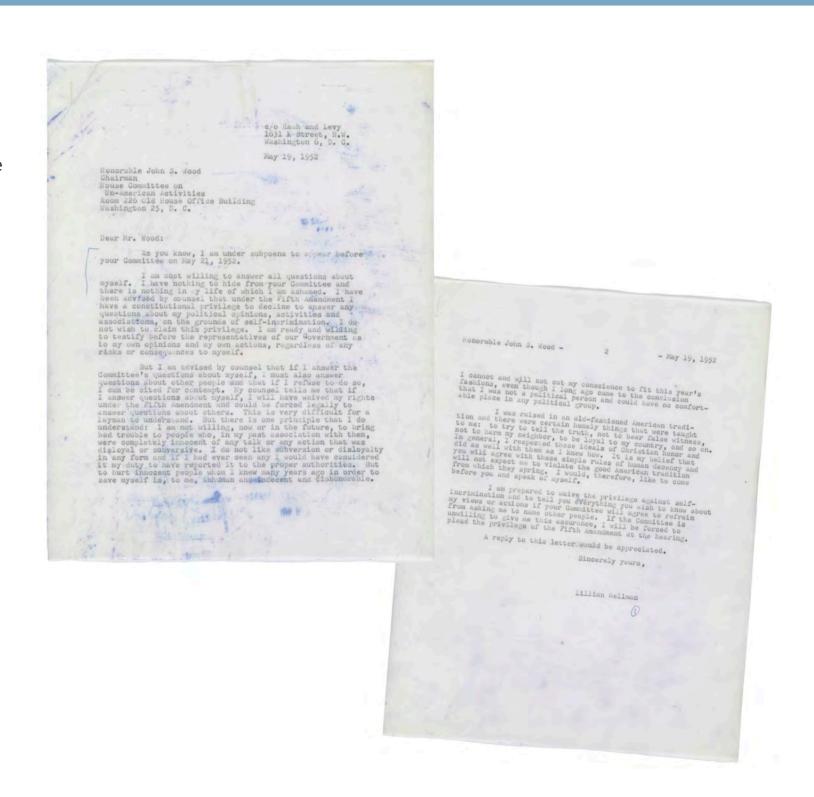
Pleading the Fifth

The Fifth Amendment provides protections to accused criminals, including the right against self-incrimination. During the "red scare" of the 1950s, the House UnAmerican Activities

Committee subpoenaed film industry members and required that they answer questions about themselves and others who may have been communists. Although she was a playwright, not a criminal, Lillian Hellman "pled the Fifth," refusing to testify.

Letter to the House UnAmerican Activities Committee (HUAC) from Lillian Hellman regarding her subpoena, May 19, 1952

Records of the U.S. House of Representatives

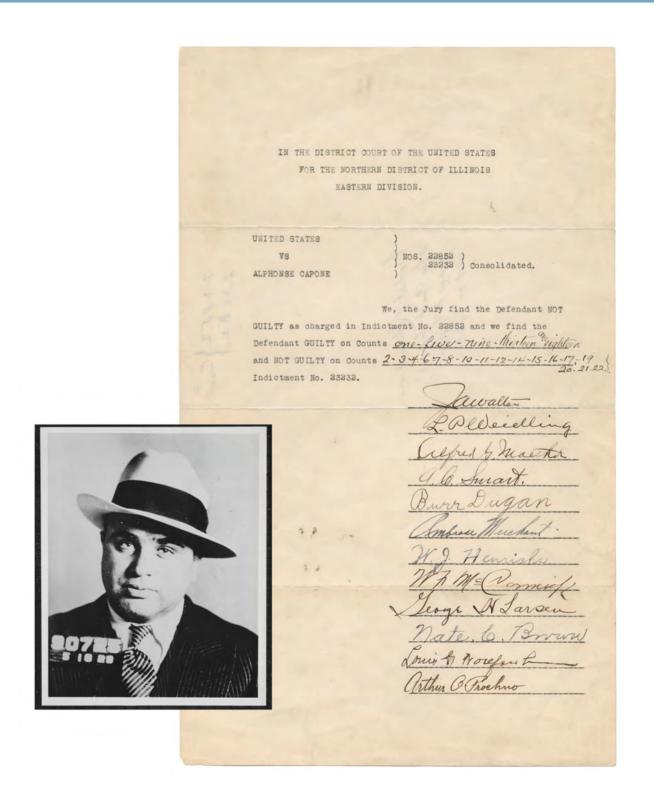


Jury of One's Peers

The right to trial by jury, guaranteed by the Sixth Amendment, is so fundamental that it dates to Magna Carta of 1215. A jury of one's peers stands between the accused and the government, preventing abuse of power. The Seventh Amendment protects the same right in civil trials. Here, the jury signed the verdict in gangster Al Capone's tax evasion trial.

Jury's guilty verdict for Al Capone on the charge of tax evasion, October 17, 1931

Records of District Courts of the United States

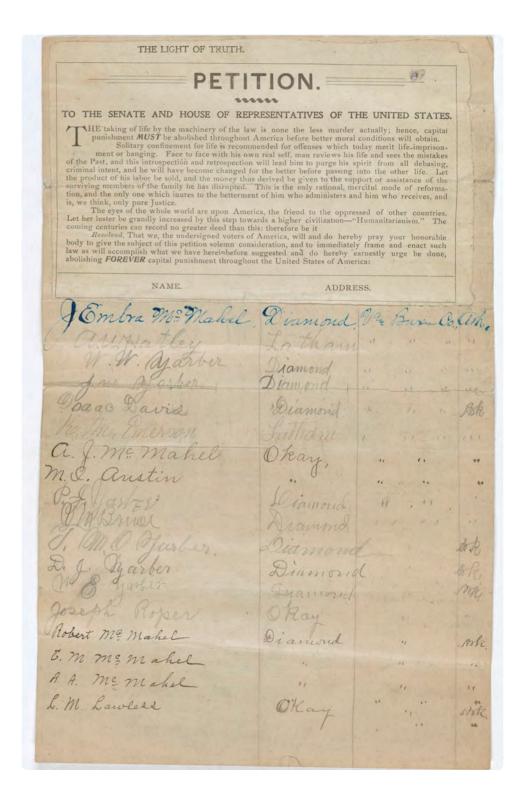


Cruel and Unusual Punishment

In the Progressive Era of the early 1900s, reformers believed that capital punishment was "cruel and unusual punishment" and therefore banned by the Eighth Amendment. These petitioners advocated for life imprisonment rather than the death penalty. They argued that criminals could be taught morals and ethics while in prison and be reformed into decent citizens.

Petition to abolish the death penalty, 1900

Records of the U.S. House of Representatives

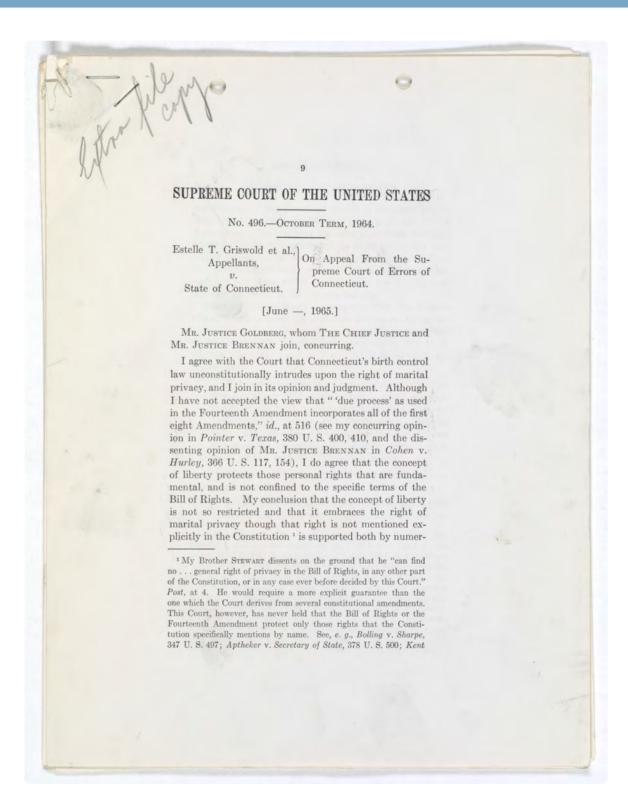


The Right to Privacy

"The Framers of the Constitution believed that there are additional fundamental rights, protected from government infringement" by the Ninth Amendment. This quote, from Justice Arthur Goldberg's concurrence in *Griswold* v. *Connecticut*, affirms that privacy is a protected right, although that word does not appear in the Constitution. Griswold invalidated a Connecticut law that forbade the use or encouragement of contraceptives.

Griswold v. Connecticut, concurring opinion of Justice Goldberg and Chief Justice Brennan, June 1, 1965

Records of the Supreme Court of the United States



Powers Reserved to States

Which powers belong to the Federal Government? To the states? Federalism—the division of powers between Federal and state governments—is the heart of the 10th Amendment. It says powers not given to the Federal Government belong to the states or the people. Missouri rejected the Child Labor Amendment, refusing to yield state power to regulate child labor. The amendment failed.

Rejection of the proposed Child Labor constitutional amendment by the state legislature of Missouri, January 13, 1925

Records of the U.S. Senate



HOUSE OF REPRESENTATIVES 53RD GENERAL ASSEMBLY

Jefferson City, Missouri January 13, 1925

Hon. Seldon P. Spencer, House of Representatives, Washington, D. C.

Dear Sir:

I am instructed by the House of Representatives of the State of Missouri that the following resolutions have been adopted:

WHEREAS: The Congress of the United States has submitted to the several States for ratification and amendment to the Constitution of the United States, giving Congress the power to regulate the labor of all persons under eighteen years of age, and

WHEREAS: This House, though opposed to the commercialization of childhood, believes that this should be prevented without undue infringment on the rights of the State or the individual rights of the people, and.

WHEREAS: The regulation of child labor by Congress under proposed amendment would mean an additional army of bureaucrats, acting as snooping agents, invading our homes, therefore be it

RESOLVED: That it is the sense of this House that this amendment should be rejected; that the Congress of the United States should offer an amendment that will give the Congress of the United States the unquestioned rights to forbid the entry of any product into the interstate or foreign commerce that has been produced through or by the commercialization of child labor, and be it further

RESOLVED: That a copy of this resolution be forwarded to the Senators and Representatives in Congress from Missouri.

Per Assistant-----

A Reminder of Why We Fight

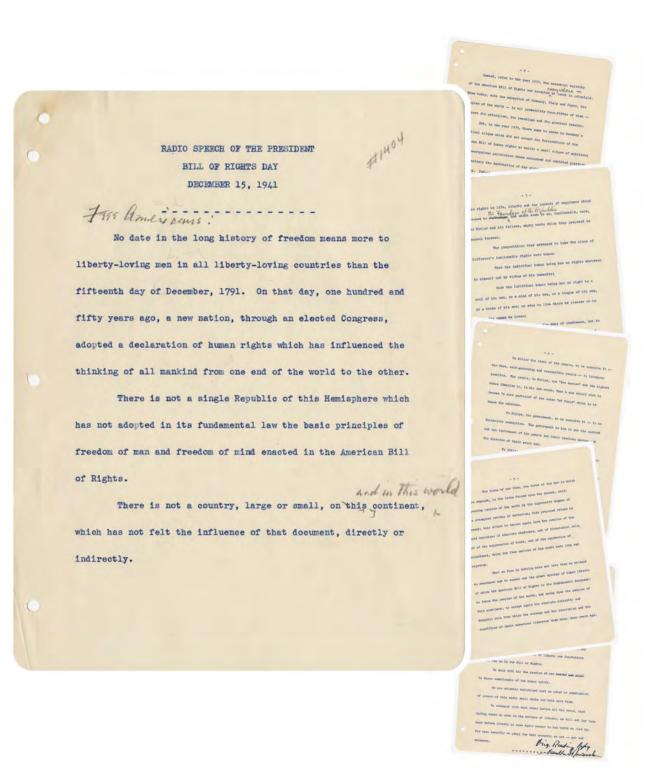
In 1941, America plunged into World War II when Japan attacked Pearl Harbor. Just a week later on the 150th anniversary of the Bill of Rights, President Franklin Roosevelt described the war as a fight for the rights and freedoms guaranteed to Americans by the Bill of Rights.

President Franklin Delano Roosevelt, radio address on the 150th anniversary of the ratification of the Bill of Rights, December 15, 1941

Franklin Delano Roosevelt Presidential Library

"What we face is nothing more nor less than an attempt to overthrow and to cancel out the great upsurge of human liberty of which the American Bill of Rights is the fundamental document."

President Franklin Delano Roosevelt, radio address on the 150th anniversary

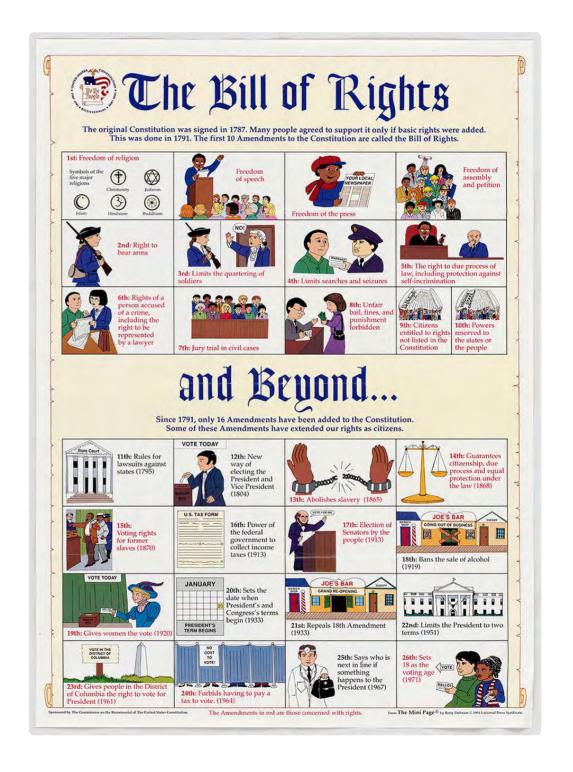


26 Amendments + One More

This poster was created by the Bicentennial Commission to help Americans understand how the Constitution had changed through amendments since it was written in 1787. Today the Bill of Rights is 225 years old. One more amendment was added to the Constitution in 1992, bringing the total to 27.

"The Bill of Rights and Beyond" poster, printed for the 200th anniversary of the Constitution by the Bicentennial Commission, circa 1991

Records of Temporary Committees, Commissions, and Boards



Bloody Sunday in Selma, AL

Mrs. E. Jackson wrote this letter to Congress the day after TV news broadcast graphic footage of "Bloody Sunday," when peaceful voting rights marchers in Selma, Alabama were violently suppressed by state troopers. This horrific event provoked public support for voting rights legislation to enforce the 15th Amendment's guarantee of the right to vote regardless of race.

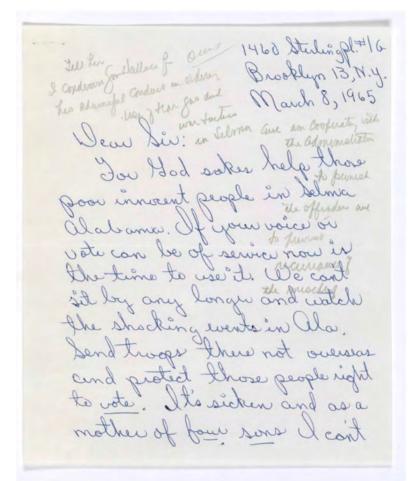
Letter from Mrs. E. Jackson in favor of voting rights, March 8, 1965

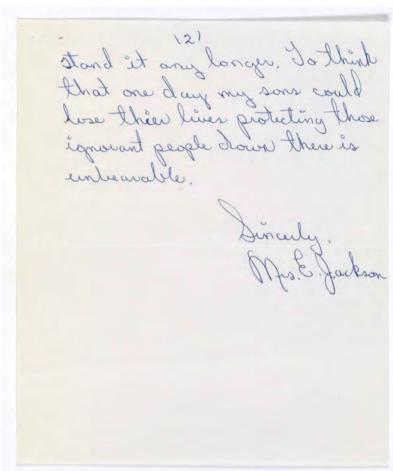
Records of the U.S. House of Representatives

"The most basic right of all was the right to choose your own leaders. The history of this country, in large measure, is the history of the expansion of that right to all of our people."

President Lyndon Johnson, speech to Congress on Voting Rights, March 15, 1965







"The fire department never came"

Violence still prevented many African
Americans from voting 95 years after the
15th Amendment was ratified in 1870. The
Congress of Racial Equality (CORE)
submitted this photo to Congress during
consideration of the Voting Rights Act of
1965. CORE noted that this voting
education site burned to the ground
because "the fire department never came."
The Act vastly increased the number of
minority voters.

Photograph of the ruins of the Mt. Pleasant Society Hall in Gluckstadt, Mississippi, destroyed by fire on August 11, 1964

Records of the U.S. House of Representatives



Widows and Spinsters Only

Before the 19th Amendment granted women voting rights in 1920, this 1888 resolution proposed voting rights for widows and spinsters only, suggesting that married women were "represented" by their husbands. Part serious and part mocking, suffragist Elizabeth Cady Stanton testified to Congress, stating, "they are industrious, common-sense women . . . who love their country (having no husbands to love) better than themselves."

H.J. Res. 159 proposing an amendment to the Constitution to extend the right to vote to widows and spinsters who are property holders, endorsed April 30, 1888

Records of the U.S. House of Representatives

is be rated as a bail of the Courtywee the provisions of this article

Am I not a citizen?

Some suffragists, like Victoria Woodhull and Susan B. Anthony, argued that the 14th Amendment gave women the right to vote. The amendment defined a citizen as anyone born in the United States, and Woodhull argued before the House Judiciary Committee in 1871 that voting was the right of all citizens, including women. The committee dismissed her petition.

House Judiciary Committee receiving a deputation of Female Suffragists, February 4, 1871

Collection of the U.S. House of Representatives

"When we shall have our amendment [for woman suffrage] . . . everybody will think it was always so . . . They have no idea of how every single inch of ground that she stands upon today has been gained by the hard work of some little handful of women of the past."

Woman suffragist Susan B. Anthony, speech at the National-American Convention, 1894





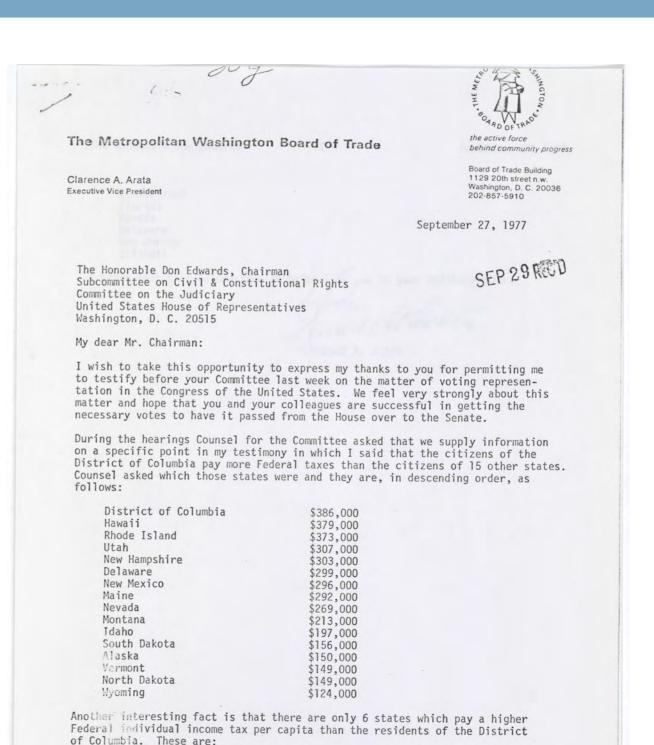
Failed Attempt at Voting Rights for DC

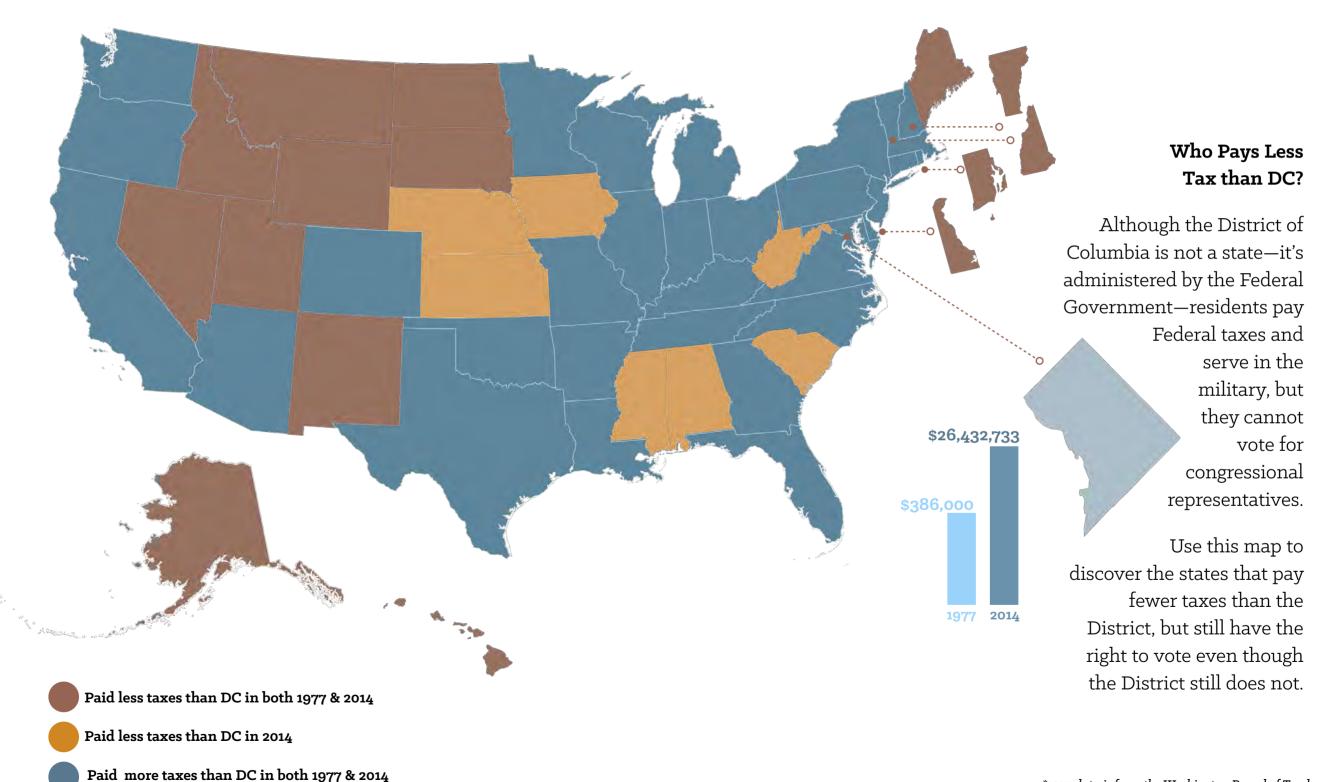
The DC Voting Rights Amendment, proposed by Congress in 1978, would have given the residents of the District of Columbia the right to vote for members of Congress. Only 16 states ratified it, well short of the 38 necessary.

During congressional hearings on the amendment, one of the main arguments in favor was that DC residents pay significantly more Federal taxes than do the residents of 15 states, but cannot vote for members of Congress who decide how the taxes are spent. This amendment is one of the six that were proposed by a two-thirds vote in Congress but failed to be ratified.

Letter from the Metropolitan Washington Board of Trade regarding Federal taxes paid by residents of the District of Columbia, September 27, 1977

Records of the U.S. House of Representatives





^{*1977} data is from the Washington Board of Trade. 2014 data is from the Internal Revenue Service.

Taxes Without Votes

Residents of the District of Columbia—the capital of the United States—cannot vote for Congress, although in 1961 the 23rd Amendment gave the District three electoral college votes for President. Like the Revolutionaries in 1776, District residents pay taxes but cannot vote.

No Taxation Without Representation, cartoon by Clifford Berryman, November 20, 1920

Records of the U.S. Senate Collection

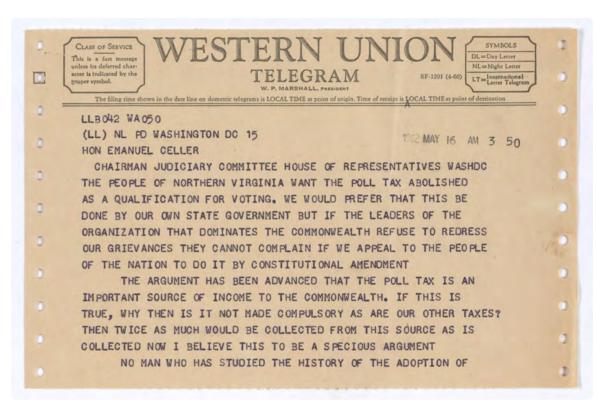


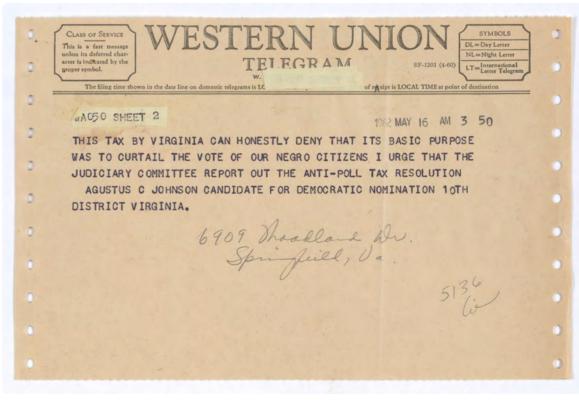
Pay to Vote?

Augustus Johnson argued in his telegram to Congress that the poll tax—a fee required to vote—was intended to prevent African Americans from voting rather than to collect revenue. The 24th Amendment prohibiting poll taxes for Federal elections was ratified in 1964. Two years later, the Supreme Court ruled that state poll taxes were also unconstitutional.

Telegram from Augustus C. Johnson in favor of abolition of the poll tax, May 16, 1962

Records of the U.S. House of Representatives



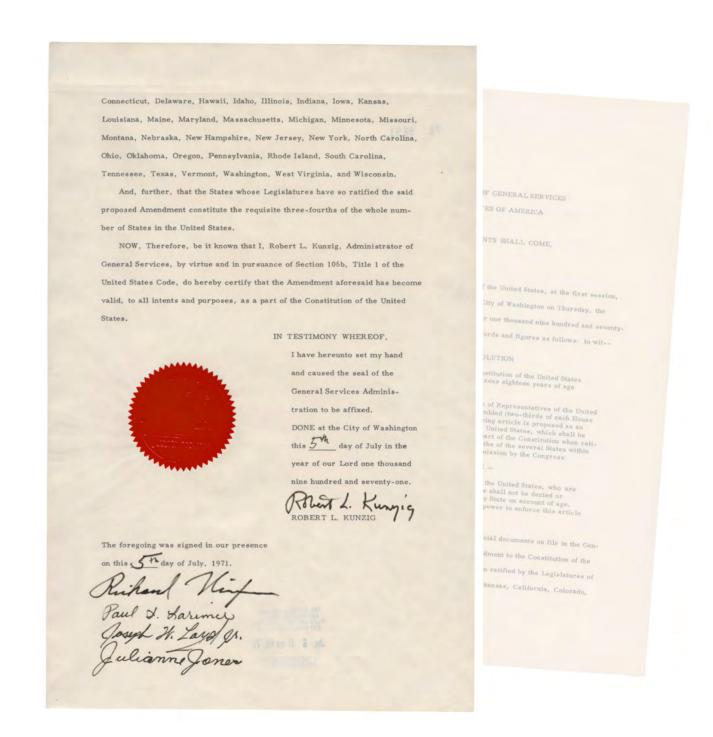


Votes for 18-year-olds

President Richard Nixon's signature was unnecessary to ratify the 26th Amendment because the Constitution does not give the President a role in passing amendments. But Nixon ceremoniously signed it anyway, and he invited three 18-year-olds to participate in the certification, too. This amendment lowered the voting age to 18.

Certification of the ratification of the 26th Amendment, with the signatures of three 18year-olds, July 5, 1971

Records of the General Government



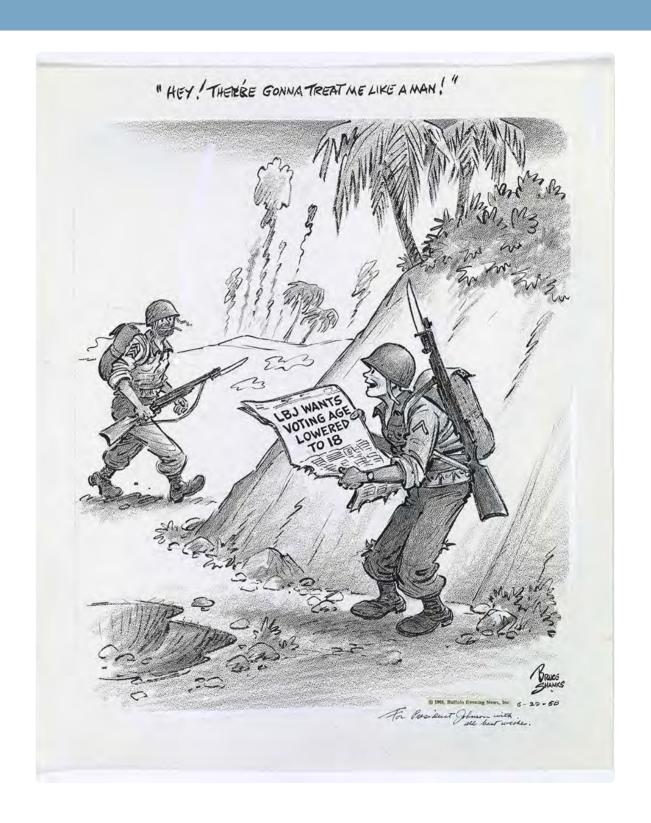


Old Enough to Fight and Die

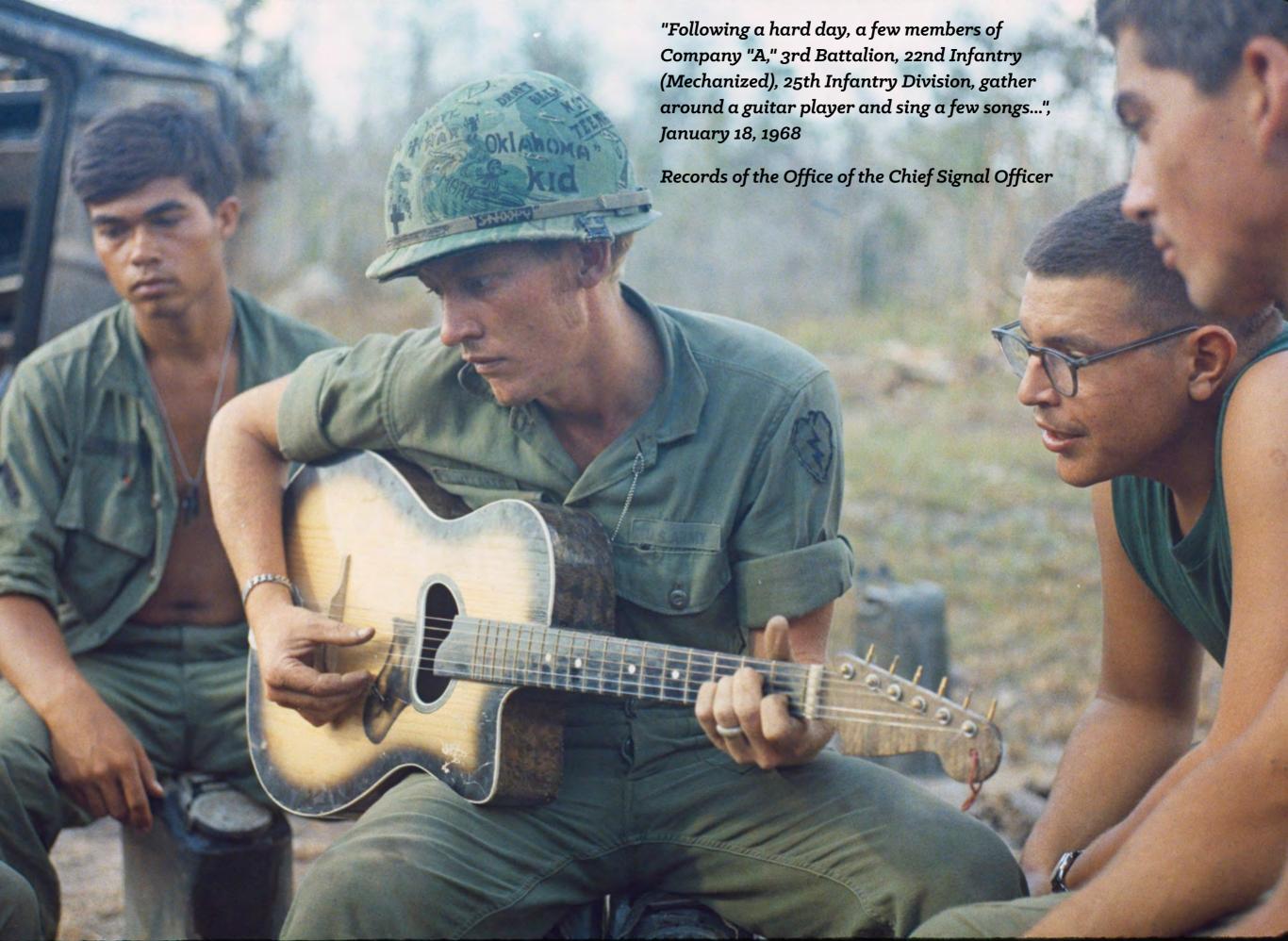
At the age of 18, young men had been considered mature enough to fight, but not to vote. The movement to lower the voting age from 21 began during World War II. When 18-year-olds were drafted to fight in Vietnam, the disparity became striking, and the voting age was changed. The 26th Amendment was ratified faster than any other amendment—in only 100 days.

"Hey! They're gonna treat me like a man!" political cartoon by Bruce Shanks, Buffalo Evening News, June 29, 1968

Lyndon B. Johnson Presidential Library







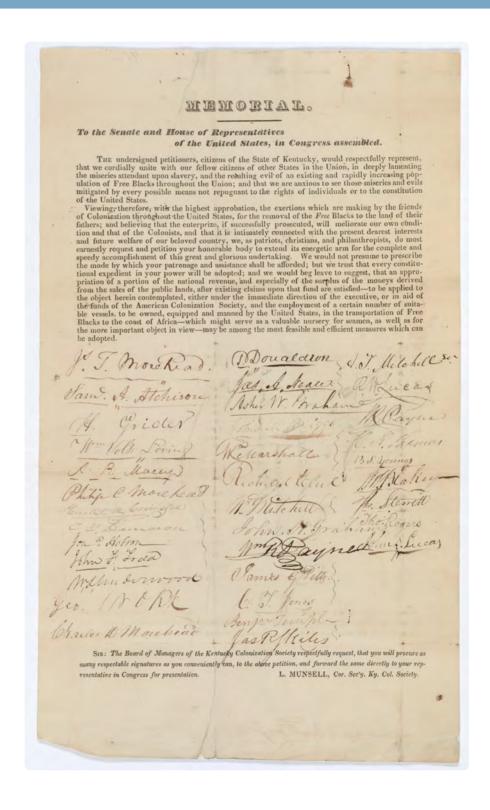
Solution to Slavery—Back to Africa?

Motives both benevolent and intolerant drove the effort in the early 1800s to move free blacks to Africa. Abolitionists thought the removal of free blacks from American society would encourage the emancipation of enslaved persons. Slave owners thought it would reduce the threat of slave revolts and prevent intermarriage.

These petitioners supported colonization of free blacks in Africa as "patriots, christians, and philanthropists" who wanted to improve the future welfare of the nation. After the 13th Amendment ended slavery in 1865, the sheer number of free blacks made colonization unfeasible and led to the demise of the American Colonization Society.

Petition from citizens of Kentucky in favor of colonizing free blacks in Africa, April 23, 1832

Records of the U.S. House of Representatives



Last Try to Save the Union

As the issue of slavery tore the nation apart, and it tumbled toward civil war, this petition asked Congress to compromise to preserve the Union. The petitioning company of firemen noted, "where the fiercest flames threatened the greatest destruction, they never stopped to inquire the cause, but rushed to use their best efforts to subdue the devouring element."

Petition from the Union Fire Company in Lancaster, Pennsylvania, in support of the Crittenden Compromise, February 6, 1861

Records of the U.S. Senate



Freedom for Cash

Before the 13th Amendment abolished slavery in 1865, many other approaches to emancipation were proposed in Congress. One method—paying slave owners for enslaved persons in exchange for freeing them—passed for the District of Columbia in 1862. Slave owner Margaret Barber received \$9,351.30 in compensation for freeing her slaves.

Manumission papers filed by slave owner Margaret Barber, May 18, 1862

Records of District Courts of the United States

```
To Inc. A. Smith Eng
             Clark of the Circuit Court of the District of Columbia
                   In pursuance of the act of Congues, entitled "an act for the
        release of certain persons held to service or labor in the District of Columbia,
        passed on the 16" april 1862, and in accordance with the 9" section thereof
        you are hereby authorised and required to file and record in your office
        the following statement and schedule under said act, of persons from whom
       I claimed service as slaved as the time of the papage of said act : viz:
                                           Height Sarticular description.
  65 . Peter Genkins J.
                          Male Mack 5.82 For life Good farm hand
2. 58 . hary featins . Female "
        Ellen Jenkins J. . " " 5.7 "
     . Suran Carroll J. " Dack & 4. 11/19 For a torm till 44 years old: 8 mulattes & years to rever thomas described.
        Dennis Canok . . male dight mulotto 3.10 Forlige
        Anamaria Canoll J. Temah " Child
      . Wow Carroll . J. male " "
      . Rich? Williams . " Dark Muletto 5.102 " Shocmaker, Carpenter, good
  45 . Chapman Toger V . " Wack 6. " Good farm hand
       Kitty Silass V. " Light Mulatto 5.2"
      . Gilbert Silafs V.
15.8 months Philip Silate
16. 24 9 Jant. yates I . " Dark mulatto 5.2' " Good house Sewant
17. 31 . Jadah yates V. J. " 5.3': " though swapt.
      . John Thomas . " Black . 5.83/4 " Coachman , & formhand.
      . Newy Toger V. " Dark Mulatte 5.10; " Farm hand
20 24 . Jost Toyer V.
4 months Dart Toyer . . . Male . . . Child "
23. 18 year lize Toyer v . Temale . Dark Mulatto 5.1 " Good house sewant.
24 36. Same yates w . " & 5.14 " Good Cook
25 20 . Mary Brown L . " Light Mulatto 5.70 - 4 House Lewant
26 16 . Betty Briscoe e . . . Back Muletto 5.2 "
```

Slavery—Save or Destroy?

Weeks before the Civil War started, there was still hope of preserving peace and saving the Union. Representative Thomas Corwin (R-OH) introduced an amendment to sustain slavery and make the amendment itself unamendable. Congress approved it, but the Civil War started before the states could consider ratification. Four years later, the states ratified the 13th Amendment abolishing slavery—the opposite of Corwin's proposal.

House Joint Resolution 80 proposing a constitutional amendment to prohibit Congress from abolishing slavery (Corwin Amendment), March 2, 1861

Records of the U.S. Senate

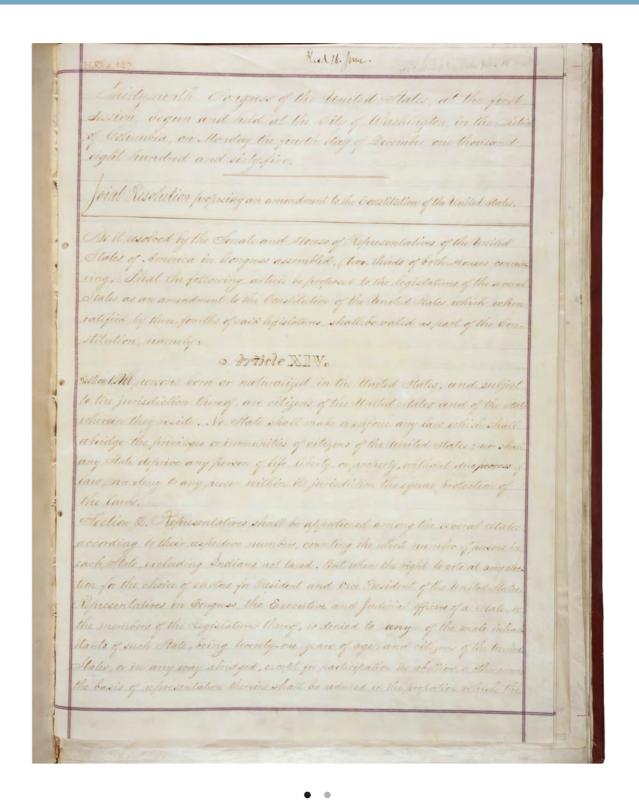
ARes_ 80 Foint Resolution to amend the Constitution of the rented States Resolved by the Senate and House of Representatives of the united States of america in congress assembled. That the following article be proposed to the Legislatures of the several states as an amendment to the Constitution of the united States, which, when ratified by three fourths of said Legislatures shall be valid to all intents and purposes, as part of the said Contitution, Viz:-Article XIII. No amendment shall be made To the Constitution which will authorize or give to Congress the power to abolish or interfere, within any state, with the domes tic institutions thereof, including that of persons held to labor or service by the laws of bard State Passed the House of Representations February 28 th 1861 In Sevate of the mico States March 3. 1861 Resolued, (Two thirds of the Severors present Concurring therein) That this foint Resolution do hass.

Equality Before the Law

The 14th Amendment fundamentally altered the balance of power between the states and the Federal Government. Its drafters intended to protect the newly freed slaves' rights from former Confederate state governments. It failed in that regard, but in the 20th century, the 14th Amendment became the core instrument for challenging discriminatory state laws and expanding rights for all citizens.

Joint Resolution Proposing the Fourteenth Amendment to the United States Constitution, proposed June 13, 1866

Records of the General Government



p. 63

14th Amendment

"Incorporating" Rights

When the Bill of Rights was ratified in 1791, its protections of Americans' rights constrained only the Federal Government. State governments could still encroach on fundamental rights such as free speech or press.

Ratified in 1868, the 14th Amendment changed this—eventually. It was not until the 20th century that the Supreme Court began to interpret the Due Process Clause of the 14th Amendment to require that states also protect individual rights. Case by case over decades, the Supreme Court ruled that most of the Bill of Rights applied to the states—a process referred to as "incorporation."

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

14th Amendment, section 1, U.S. Constitution, 1868

Citizenship and Due Process

Section 1 of the 14th Amendment is a constitutional powerhouse. Passed in the aftermath of the Civil War, it was written with the newly freed slaves in mind. But its words have been remarkably consequential for all Americans.

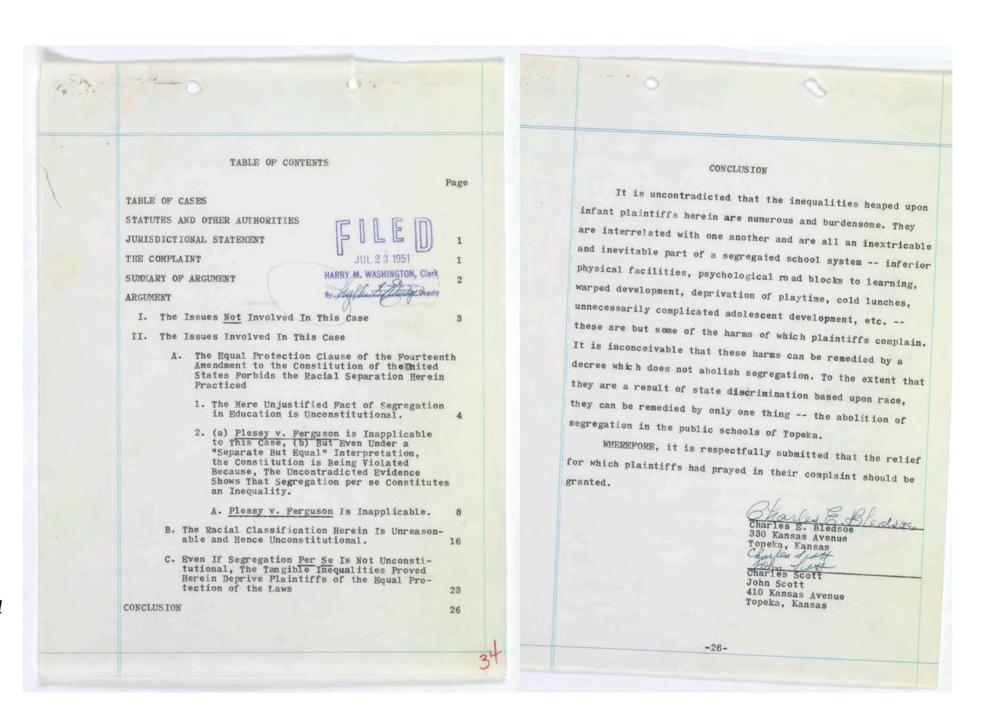
The Due Process Clause ensures fair treatment in the legal system. The Citizenship Clause defines a citizen as anyone born in the United States. The Equal Protection Clause requires governments to treat all citizens equally under the law.

Separate and Not Equal

Relying on the Equal Protection
Clause of the 14th Amendment,
the complainants in *Brown* v. *Board of Education* argued that
segregated schools were
unconstitutional. The landmark
1954 Supreme Court decision
ended school segregation, stating,
"We conclude that, in the field of
public education, the doctrine of
'separate but equal' has no place.
Separate educational facilities are
inherently unequal."

Complaint, Brown v. Board of Education of Topeka, June 19, 1951

Records of District Courts of the United States

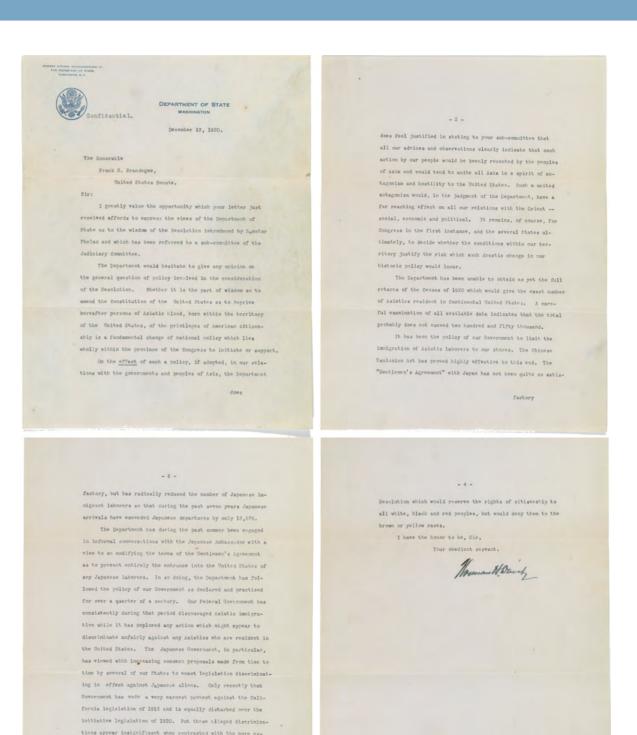


Citizenship by Race

Although the 14th Amendment defined a citizen as anyone born in the United States, that didn't settle the issue. In 1920, the State Department sent this letter to Congress in response to an amendment that would have forbidden citizenship to persons of Asian descent, regardless of place of birth. The amendment failed, but continued animus toward Asians contributed to the internment of Japanese Americans during World War II, even though many of them were citizens.

Letter from the State Department regarding a resolution to amend the Constitution to disallow citizenship to "brown or yellow races," December 13, 1920

Records of the U.S. Senate



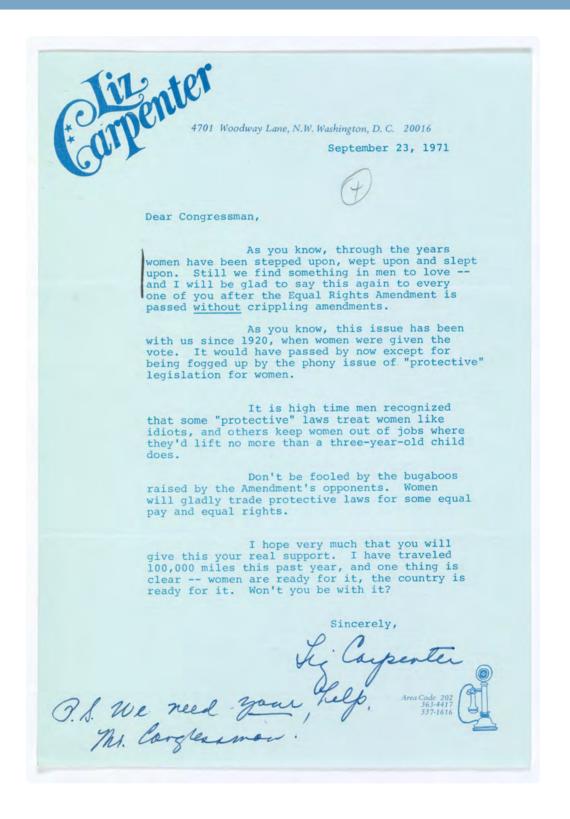
tended racial discrimination as proposed in Senator Phelan's

ERA for Gender Equality

Introduced in Congress more times than any other proposed amendment, the Equal Rights Amendment (ERA) would have provided for legal gender equality if it had been ratified by the states. Opponents of the ERA argued that it would nullify laws that "protected" women from working long hours or physically challenging jobs. But supporters wanted equal treatment and equal pay regardless.

Letter from Liz Carpenter in support of the Equal Rights Amendment, September 23, 1971

Records of the U.S. House of Representatives



A Contentious Extension

The ERA passed Congress in 1972 by the required two-thirds vote. But amendments must also be ratified by three-quarters of the states. The ERA was quickly ratified by 35 of the 38 states needed. As the seven-year time limit for ratification approached in 1979, Congress and President Jimmy Carter controversially extended the deadline three years. However, no additional states ratified.

Photograph of President Jimmy Carter signing the resolution for extension of the ratification deadline for the Equal Rights Amendment, October 20, 1978

Jimmy Carter Presidential Library



"A big step down for women"

The Equal Rights Amendment sparked a nationwide debate in the 1960s and 1970s over changing views of the social roles of women. In this letter to her congressman, Mrs. Thomas Zeko expressed her opposition to the ERA. She said, "that a woman will find her fulfillment in competing for some traditionally male position just isn't so."

Letter from Mrs. Thomas Zeko opposed to the Equal Rights Amendment, September 9, 1971

Records of the U.S. House of Representatives

file 11119 Dicky St. Whittier, Ca. 90606 Sept. 9, 1971

Rep. Don Edwards House of Representatives Washington, D. C.

Dear Mr. Edwards,

I am writing to voice my opposition to the socalled "Equal Rights Amendment, H.J. Res. 208.

The mal-contents, lesbians and Communists of women's lib main purpose seems to be to downgrade the marvelous vocation of mother-homemaker, have the government play babysitter, and make women feel subservient who aren't competing with men in the business world.

Women, of course, should receive equal pay for equal work, but to make it seem that a woman will find her fulfillment in competing for some traditionally male position just isn't so. Having worked in the personnel field a number of years before taking on the more challenging role of wifemother-homemaker, I am aware that most men just don't have that exciting a job-many are boring, frustrating and dead-end.

I feel that if the aims of women's lib are realized it will be a big step down for women. If more women worked for a few years BEFORE marriage, they might come to a greater appreciation of the responsibility involved in rearing a family. From the high rate of crime, venereal disease, drug abuse and suicide among the young, and lack of respect for God and country, it would seem women are failing terribly in their most important job.

Please don't help the women's lib movement, but work toward restoring a higher regard for family life, which would greatly improve our country.

Sincerely,

Mrs. Shomas Zeko

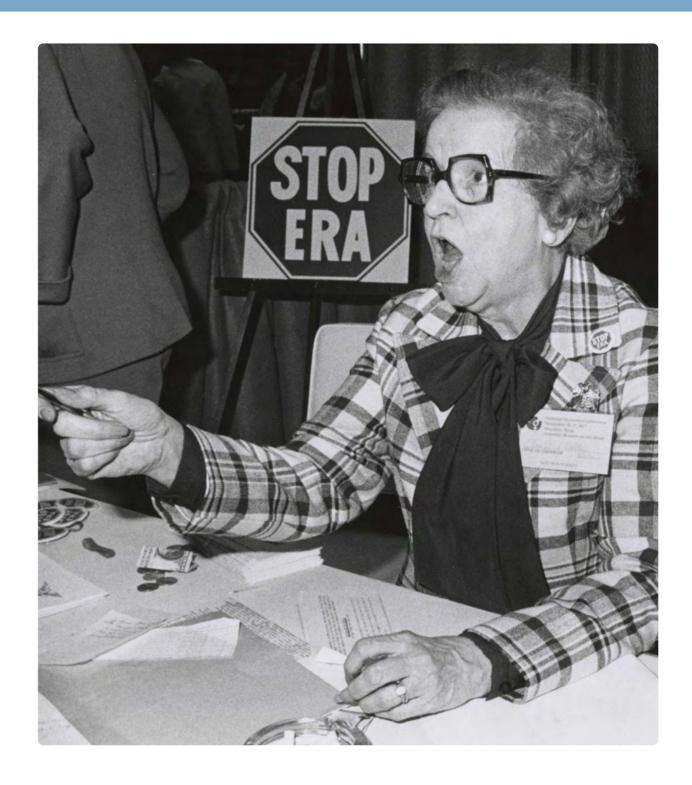
Mrs. Thomas Zeko

Strong Coalition Against ERA

It took 49 years for Congress to pass the ERA after it was first introduced in 1923. But getting through Congress was only half the battle. Led by Phyllis Schlafly, STOP ERA organized quickly, arguing that the ERA would hurt women and families. With a coalition of traditional family and "protectionist" supporters, STOP ERA worked to prevent ratification by the states.

Photograph of a woman at the STOP ERA booth at the National Women's Conference in Houston, Texas, 1977

Records of Temporary Committees, Commissions, and Boards



Refining POWERS Fourth • Twenty Fifth • Twenty Sixth • Twenty Seventh • First • Second Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Tw

Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee

Years that Prohibition was in effect Years before the proposed Child Labor amendment became moot because of legislation passed to protect children

Number of fewer days it took to repeal Prohibition than to ratify it Year that income tax

was first required

Refining Powers

What do we want our government to do for us?

The Constitution authorizes many powers for the Federal Government, but Americans have continued to try to add to or subtract from that list. Frequently, the powers in proposed amendments to the Constitution are responses to specific events at certain points in time. They fail because they don't achieve a sustained consensus over time.

Refining Powers explores:

Business of Government: How the government works has been a popular subject of many amendments.

Identity: In a diverse nation, some amendments to our founding charter have aimed to define what it means to be American.

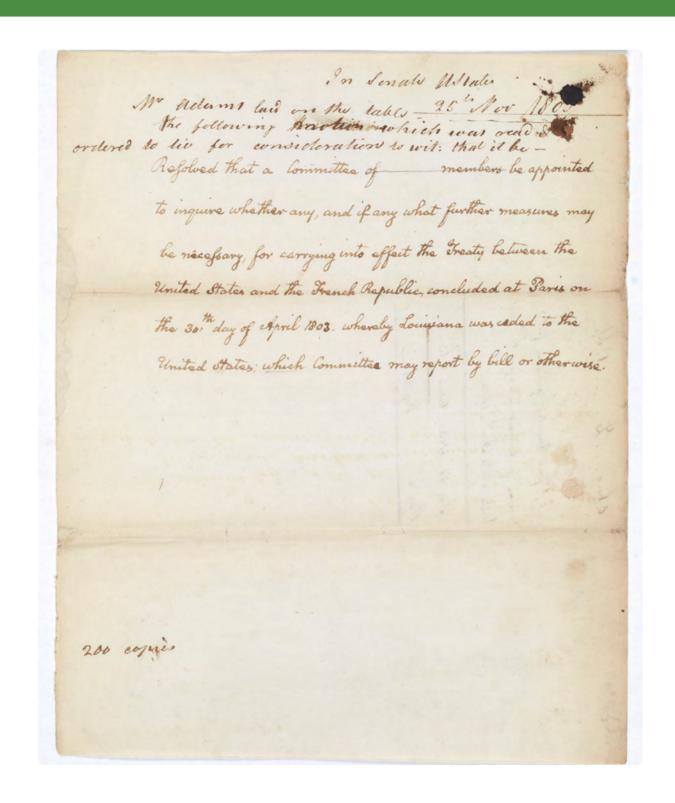
Morality: Codifying "proper" behavior through amendments has been unsuccessful, but it hasn't stopped every generation from trying.

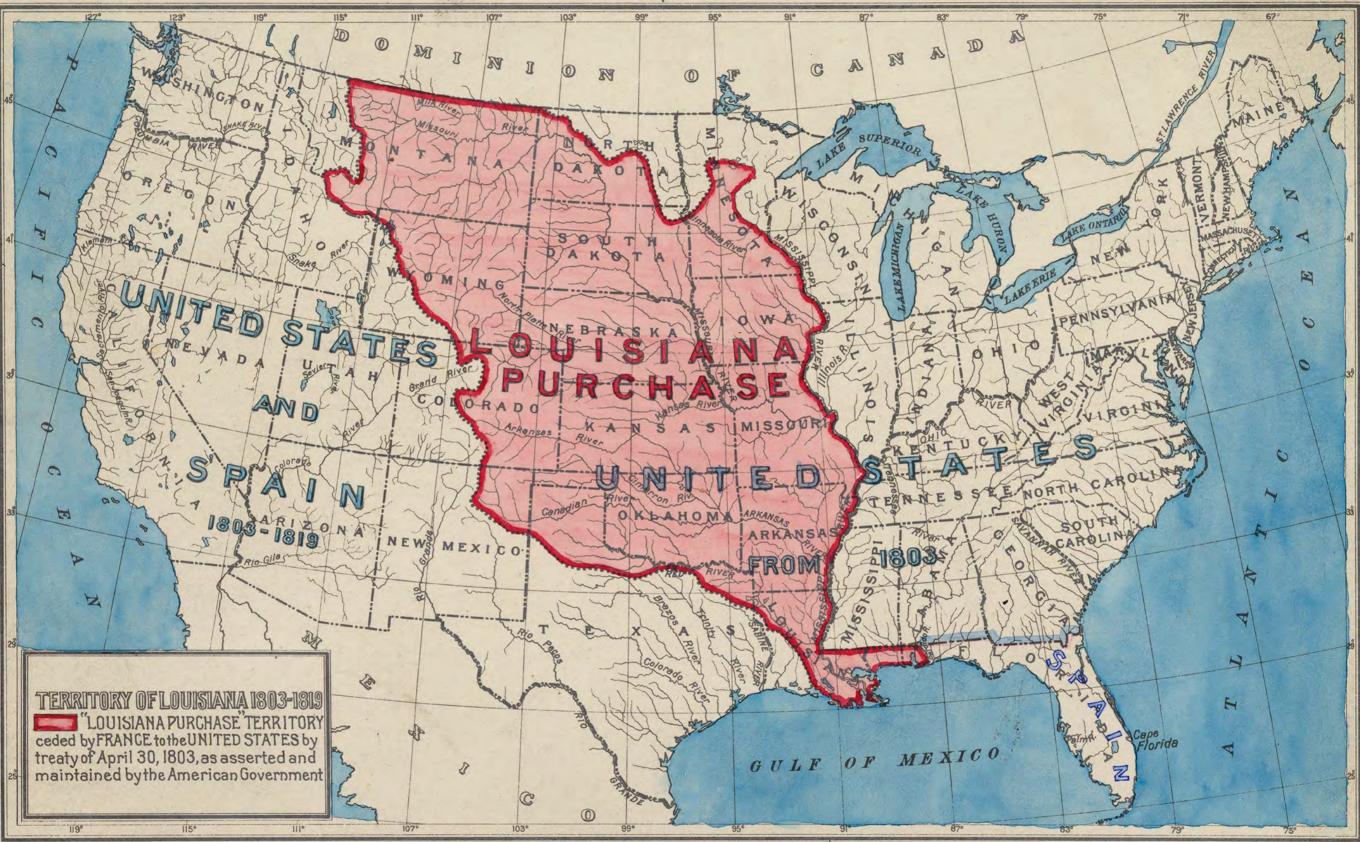
Power to Add New Citizens?

Did the Constitution give the Federal Government the power to add new lands and people to the Union? Many thought the answer was "no"—until France offered to sell the Louisiana Territory. Senator John Quincy Adams thought an amendment was required to admit the residents of Louisiana to the Union. His motion for an amendment failed.

Motion of Senator John Quincy Adams to appoint a committee to Inquire into the need for further measures to carry into effect the Louisiana Purchase Treaty, November 25, 1803

Records of the U.S. Senate





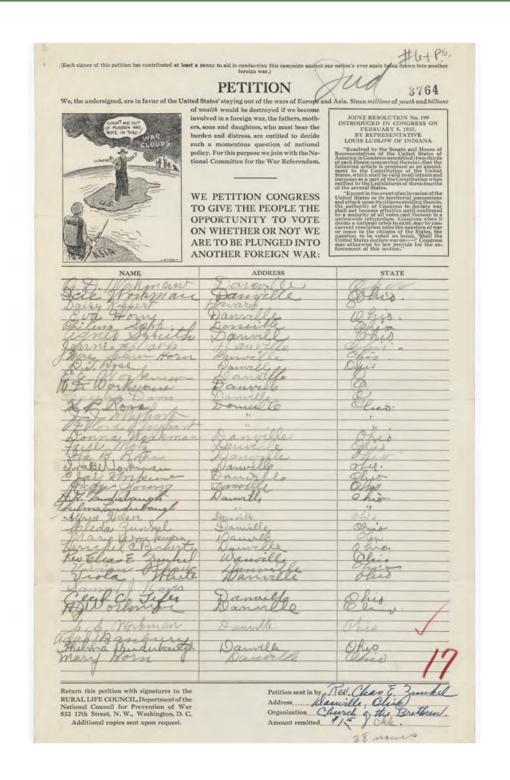
Map of the Territory of Louisiana, 1803-1819, 1903

Records of the Bureau of Land Management

To be Plunged into War

The decision to declare war is a critical power given to Congress. But after World War I and during the Great Depression, these war-weary petitioners sought an amendment that would "give the people the opportunity to vote on whether or not we are to be plunged into another foreign war."

Petition for a constitutional amendment to hold national referendums on declarations of war, circa 1938

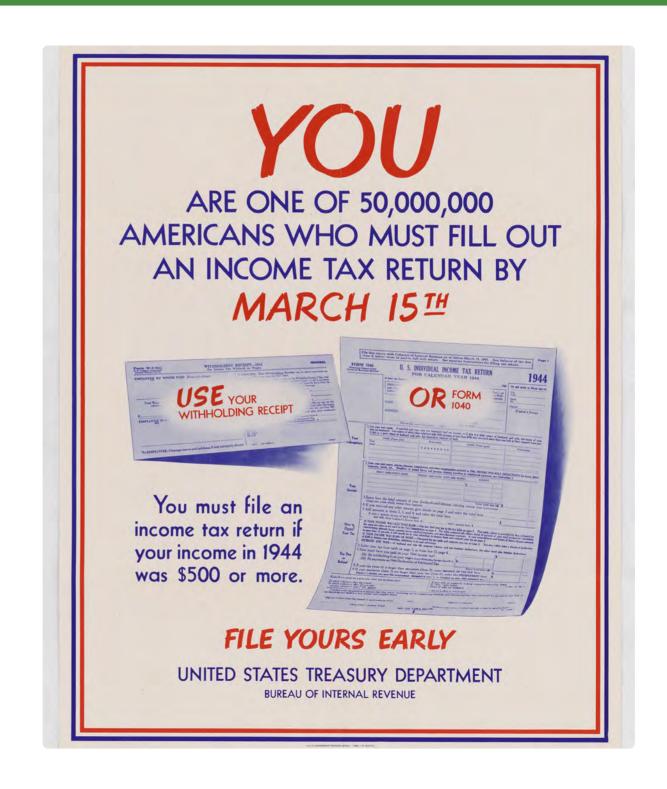


Income Tax Day

The Civil War prompted the first national income tax in the United States, which ended in 1872. Prior to the ratification of the 16th Amendment in 1913, which permanently established the income tax, most revenue had come from tariffs (import taxes). In 1955, tax day was changed to April 15 to provide more time to file.

Poster encouraging early filing of income taxes, circa 1945

Records of the Office of Government Reports



Courage to Amend

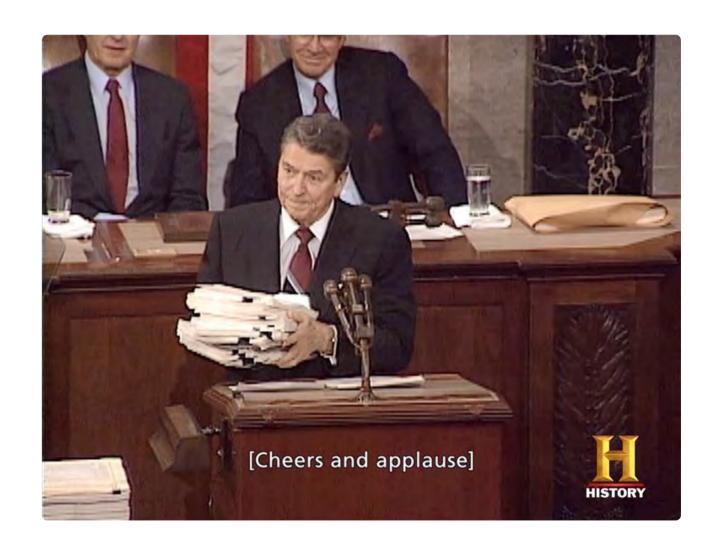
Failure of willpower is an unusual rationale for a constitutional amendment. Yet President Ronald Reagan stated that Congress's lack of willpower or courage to be fiscally responsible exposed a need for a Balanced Budget Amendment. In this speech, Reagan showcased several budget documents, using their unwieldy size to visually demonstrate how unreasonable the budget process had become.

President Ronald Reagan's State of the Union Address, on the Balanced Budget Amendment, January 25, 1988,

Ronald Reagan Presidential Library

"What we really need is a constitutional amendment that says, 'There shall be some spine in our national leaders."

Senator Robert C. Byrd on the Balanced Budget Amendment, 1992





Nobles and Republicans

Americans rejected European traditions of aristocracy and inherited privilege with the adoption of the Constitution. But leading up to the War of 1812 with Great Britain, some were nervous about continuing European influence on America's still nascent democratic republic. In 1810, Congress passed an amendment that would have strengthened the Constitution's existing clauses prohibiting Federal office holders' acceptance of titles of nobility from royalty. It expanded this prohibition to all citizens and made loss of citizenship the penalty. The amendment was not ratified by the states.

Report on an amendment to the Constitution relating to titles of nobility, February 15, 1810

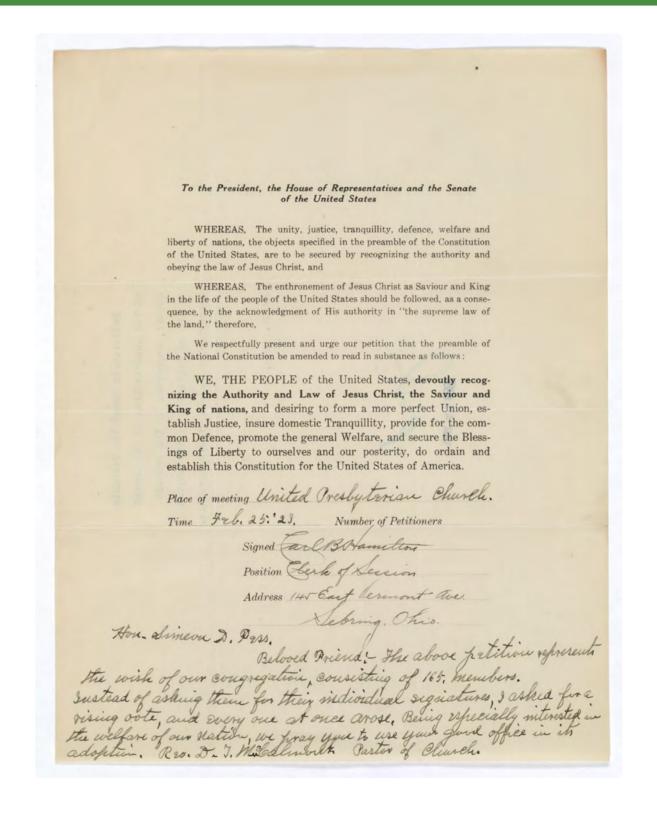
Records of the U.S. Senate

No title of hobility shale be granted by the United States: and no person holding any office of hrofel or trust under them, shall without the consent of Congrep accept of any present, emolument, office, or title of any kind whatever, from any Emperor, kind prince or foreign State: And if any citizen of the United States, shale accept of any title of Mobiles, below that of nobiles, lity, or of any other title of distinction from any imperor, King, prince or foreign State, or shale hold the same by descent, such citizen shale thenceforth be encapable of exercising, or enjoying any of the regtets, and immendies of a free citizens of the United States, or of the indivedual states; + shale also be incapable of holding any office of profit or trust under them, or either of them In Senate of the IX IN Reed from the committee appoints to to whom was recommitted the proposed amend to the Constitution, reported it amended as follows /

Are We a Christian Nation?

God is not directly cited in the Constitution. Since the 1840s, some religious groups have tried to change that. The "Christian Amendment" would have altered the Preamble of the Constitution to cite "Almighty God" (or other variations) rather than "We the People" as the document's primary source of authority. Opponents believed it threatened religious liberty, and the movement faded.

Petition to amend the preamble of the Constitution to recognize the authority and law of Jesus Christ, the Saviour and King of Nations, February 15, 1923



Many Languages, or One?

Many consider America's identity to be based on shared political ideals rather than on shared culture or language. For some, an English Language Only amendment would divide Americans, increase tension between communities, and invite discrimination. But for others, English is central to national unity. Several attempts to establish English as the official or only language of America failed in Congress.

Letter from the Polish American Congress in support of a constitutional amendment to make English the official language of the United States, February 6, 1984

Records of the U.S. Senate

POLISH AMERICAN CONGRESS, INC.

EASTERN PENNSYLVANIA DISTRICT

Representing 250,000 Polish-Americans



February 6, 1984

Hon. Norman D. Shumway House of Representatives 1203 Longworth House Office Building Washington, D.C. 20515

Dear Congressman Shumway,

I have read and fully support Senate Joint Resolution 167, a Constitutional Amendment to make English the official language of the United States. As a President of the PAC, I spend a great deal of my time promoting our Polish heritage, culture and language. I feel this is important. People should not forget who they are, where they come from. We should keep alive the struggle and language of our forefathers.

However, when a people leave one country and seek refuge in another, a country with greater freedom and greater opportunities, it becomes all our duty to see that this country's greatness is maintained. A universal language, open communications, and personal independence have always been a prime ingredient in that greatness. The first thing newcomers learn to share is a language. Those who wish to spare their people the burden of learning a new language are either ignorant or tyrants who want to control and have final power over these people. Who would be writing these words to you today if I had not been forced to learn English. We would all be prisoners in our own communities, limited and dependent, the very situation many immigrants are fleeing from.

Today, there are many young Americans who have always enjoyed freedom and independence. When something comes too easily, we tend to forget its value. But, with each immigrant who learns English you can be assured there are Americans who have heard his story and appreciate their country more.

How can Americans remain united if we encourage separation? We must have some way of communicating the things that bind us together, that which makes us Americans. Is there anyone who had to learn the English language and after learning it could honestly say he would prefer never to have learned it?

I offer you my best wishes and full support for this amendment and will encourage others to do so also.

Sincerely yours,

Michael Blichasz

804 N. 24th Street • Philadelphia, Pa. 19130 • (215) 627-0454 • 739-3408

Communicate in Any Language

English has long been the main language of American government, but it was never the only one. The Continental Congress printed publications in various languages to disseminate vital information about the government and its operations. Certain messages, like this fire safety public service announcement, demonstrate the continued need for government communications in a variety of languages.

"Seguridad Contra Fuegos" FEMA Fire Safety poster in Spanish, 1997

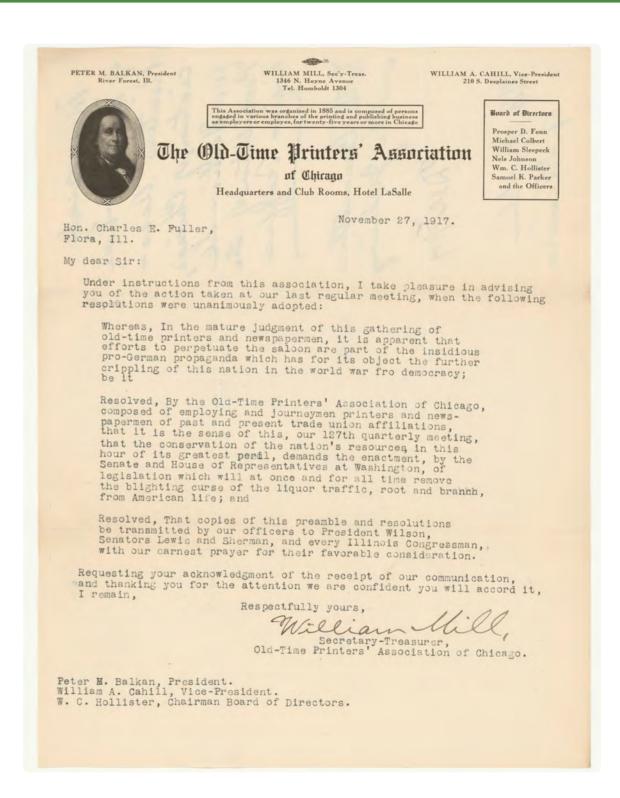
Records of the Federal Emergency Management Agency



No Saloons = Moral Nation

Abolishing the saloon appeared to be a catch-all solution to the troubles of the early 1910s—immorality, crime, and impending war. These printers called for conservation of resources—like grain—for war, thus pitting alcohol against patriotic commitment to America's victory in World War I. In 1919, the 18th Amendment established Prohibition, which banned the sale or manufacture of alcohol.

Letter from the Old-Time Printers' Association in favor of Prohibition, November 27, 1917





A Nation of Lawbreakers

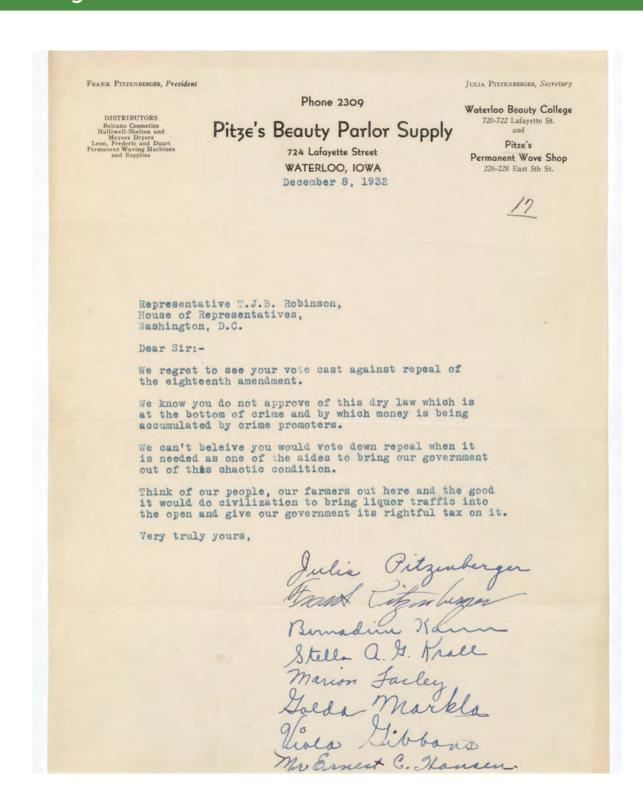
Always controversial, the societal consensus regarding Prohibition crumbled. Like many others, these petitioners concluded that the attempt to enforce "moral" behavior had backfired. Prohibition had instead handed a booming business to gangsters, and legalizing alcohol again would lower crime and provide tax revenue. In 1933, the 21st Amendment repealed the 18th Amendment—the only time one amendment has negated another.

Letter from Pitze's Beauty Parlor Supply in favor of repeal of Prohibition, December 8, 1932

Records of the U.S. House of Representatives

"Why don't they pass a Constitutional Amendment prohibiting anybody from learning anything? If it works as good as Prohibition did, in five years we will have the smartest people on earth."

Will Rogers

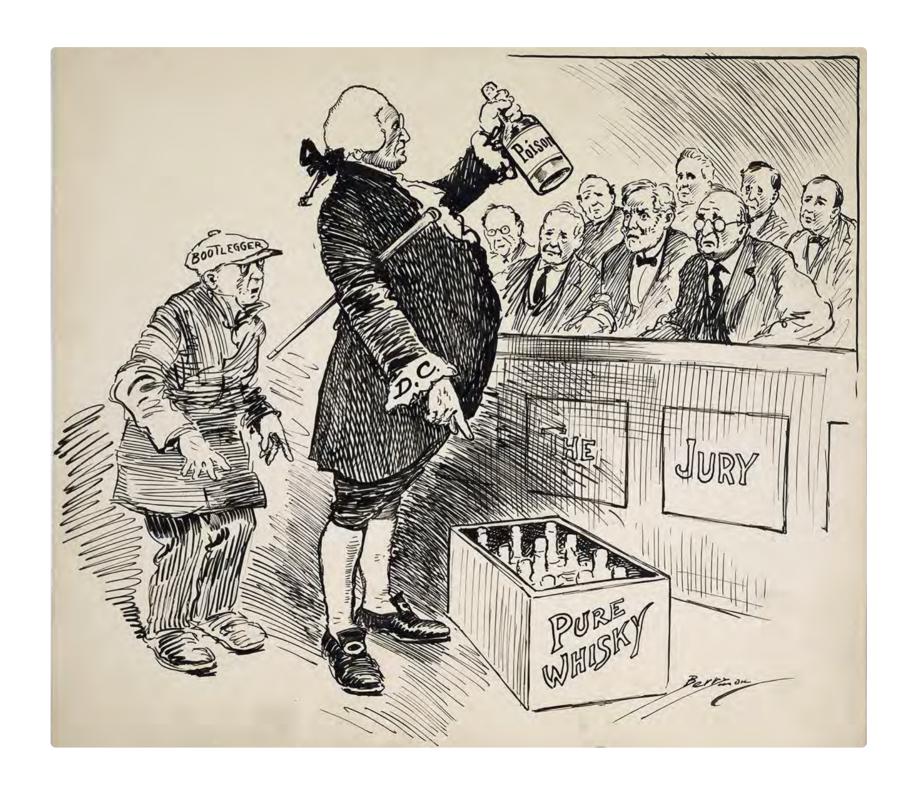


Booze=Crime, or Crime=Booze

The argument that alcohol causes crime was turned on its head during Prohibition. Gangsters supplied speakeasies with smuggled booze, and violence escalated. Illegal bootlegging of liquor became commonplace, and without governmental oversight, the safety of bootlegged whiskey was questionable.

Manslaughter?, political cartoon by Clifford Berryman, March 8, 1922

Records of the U.S. Senate



Abolish Saturday Nights, Too

Some people couldn't let it go, even five years after the 21st Amendment repealed Prohibition. But instead of prohibiting alcohol sales, this amendment proposed to regulate personal behavior by prohibiting drunkenness. The absurdity of this was cheekily pointed out in the handwritten note at the bottom, which proposed adding an equally far-fetched effort to abolish Saturday nights.

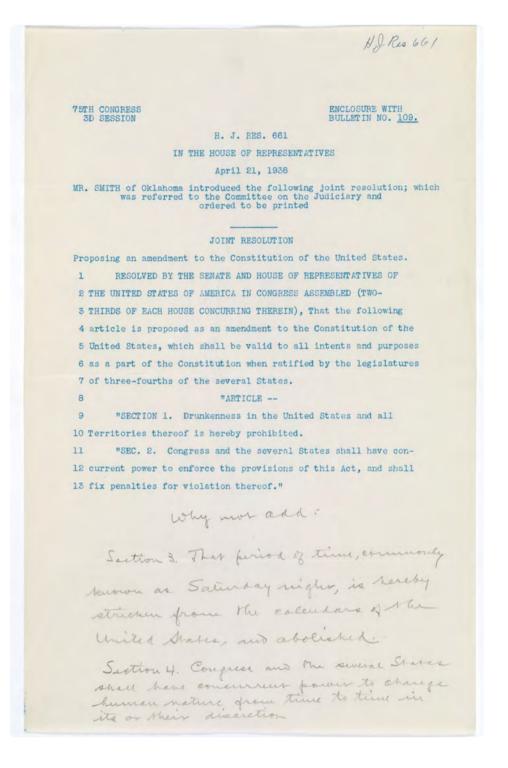
Transcription of handwritten note:

Why not add:

Section 3. That period of time, commonly known as Saturday night, is hereby stricken from the calendar of the United States, and abolished.

Section 4. Congress and the several States shall have concurrent power to change human nature from time to time in its or their discretion.

H.J. Res 661 to propose a constitutional amendment to prohibit drunkenness, with handwritten note, April 21, 1938



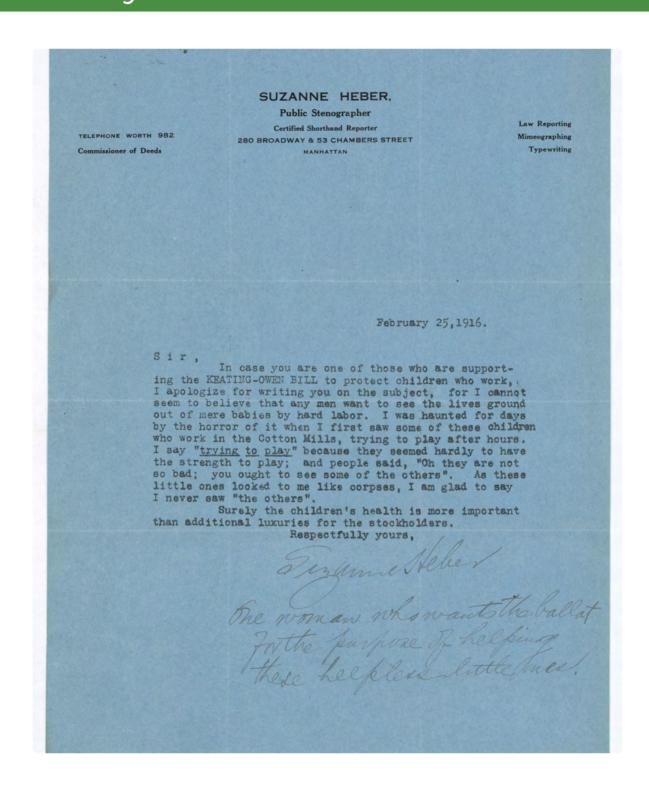


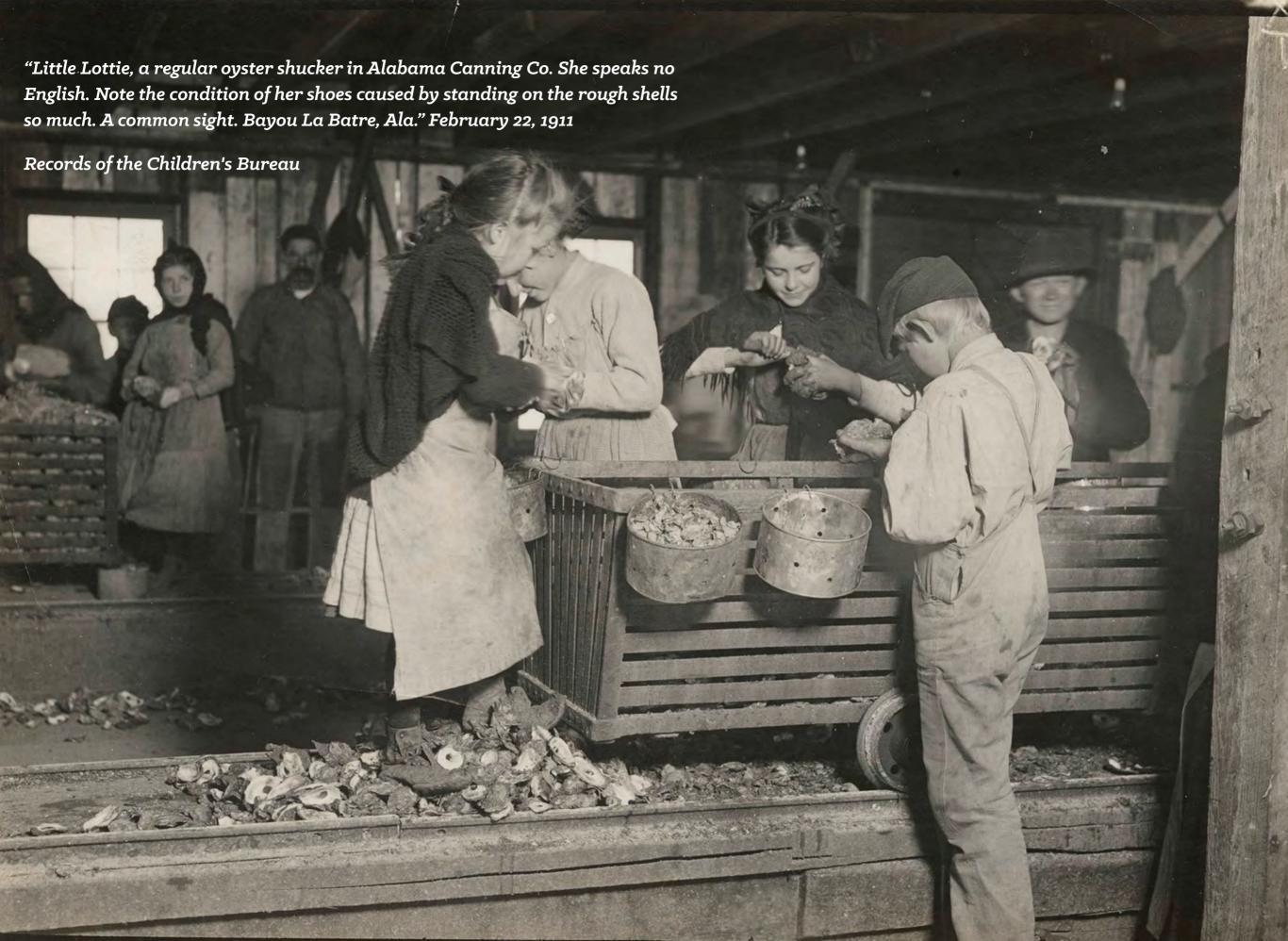
All Work and No Play

Suzanne Heber's horror at seeing "the lives ground out of mere babies by hard labor" spurred her to support child labor regulation. But the Supreme Court invalidated several child labor laws, including Keating-Owen. In 1924, Congress proposed the Child Labor Amendment, but it wasn't ratified by three-fourths of the states. Subsequent legislation was upheld, and the proposed amendment became moot.

Letter from Suzanne Heber Supporting Keating-Owen Child Labor Bill, February 25, 1916

Records of the U.S. Senate







Raising "Loafers"

Those opposed to child labor regulations often argued that children needed to work to support their families. Such regulations, they claimed, actually hurt the children they were meant to help. In a letter to his congressman in 1924, George Cox argued that the nation will produce "an inordinate quantity of loafers" if children do not work by age 16.

Letter from George S. Cox opposed to a constitutional amendment on the regulation of child labor, April 7, 1924

Records of the U.S. House of

GEO. S. COX & BRO. ING.

MANUFACTURERS OF

HAIR CLOTH

MINARET MILLS

CABLE ADDRESS

CAMBRIA & ORMES STS.,

PHILADELPHIA April 7, 1924

Hon. Geo. S. Graham Chairman of the Judiciary Committee of the House Washington, D. C.

Dear Sir:-

Having read your writing in reference to the tinkering mania on the Constitution and the several references to child labor, I would especially commend you for your stand in this matter. It is certainly a menace to the country that the freedom of the people is entirely encroached by Congress especially in a matter of this kind, it should be left to the states.

My idea of child labor is as follows:-

Where the parents cannot keep the child to school from 14 to 16, they should be allowed to work the full week in factories or other places under the supervision of the school board and be compelled to go to school three nights in a week. The vicious law pertaining to the employment of children between 14 and 16 should be wiped off the Statute Books.

The Laborites admit this law is loaded with dynamite and has been purposely so loaded to cause trouble to the people in business who employ this class of labor.

If the children do not get to work until after they are 16 years of age, our experience has taught us that they will not work at all, and that the nation thereby will be raising an inordinate quantity of loafers.

Yours truly, law, S, Car

Work instead of School

Newsboys selling newspapers often ditched school and frequently worked late hours selling "extras." Lewis Hine, hired by the National Child Labor Committee, produced photographs of children's labor conditions in mines, factories, farm fields, and streets that heavily influenced public opinion for an amendment to regulate child labor.

Photograph of newsboys selling near the Capitol building, by Lewis Hine, April 10, 1912

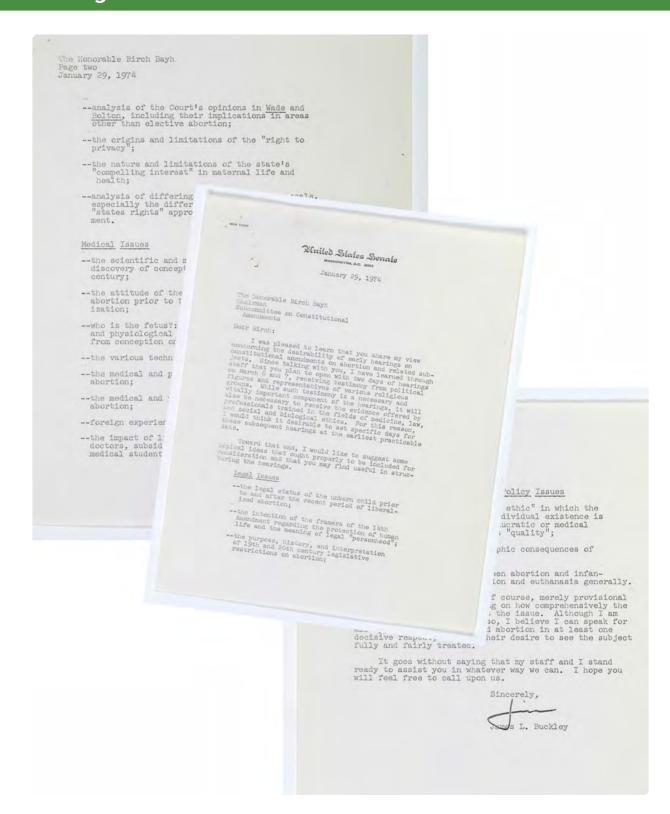


Medicine, Law, and Ethics

Roe v. Wade, was a 1973 Supreme Court decision that affirmed abortion as a privacy right protected by the Constitution. It spurred the introduction of hundreds of amendments in Congress—both to ban and protect abortions. As the Senate planned hearings, this letter suggested that legislators "receive the evidence offered by professionals trained in the fields of medicine, law, and social and biological ethics."

Letter to Senator Birch Bayh regarding congressional hearings on constitutional amendments on abortion, January 29, 1974

Records of the U.S. Senate



Protection of Belief

The "true women of Utah" were Mormons who believed that polygamy was a divine rule. They wrote this petition to protest laws and proposed amendments that banned marriage to more than one person at a time. The effort failed when the Supreme Court ruled that belief in polygamy is constitutionally protected, but the ability to act on it is not.

"Defense of Plural Marriage by the Women of Utah County," circa 1878

Records of the Office of the Secretary of the Interior

DEFENSE

RAL MARRIAGE.

WOMEN OF UTAH COUNTY.

OVER 2,000 "MORMON" LADIES UNITE WITH THEIR SISTERS OF SALT LAKE CITY, IN PROTESTING AGAINST THE MISREPRESENTATIONS OF THE AND EXPRESS THEIR FIRM AND UNALTERABLE FAITH IN PLURAL MARRIAGE AS A DIVINE ORDINANCE.

Mass Meetings in Provo, Springville, Spanish Fork, Salem, Payson, Santaquin, Goshen, Cedar Valley, Lehi, Alpine, Benjamin, American Fork and Pleasant Grove.

the world and each other our sentiments in Lossee had been invited to run a biblical plow-regard to our most holy religion,—to enter our share under polygamy. We think she will protest against that—I was about to say unhallowed—anti-polygamy petition that has recently been forwarded from Salt Lake city to Washington. It is said to have been gotten up by a committee of ladies, read at a ladies' ed him of a huge log that laid in the center of

Upwards of five hundred ladies of Provo and vicinity met in the Meeting House on Saturday morning, December 11th, 1878, "to express their true sentiments with regard to the principles of their religious and political rights as American citizens."

On motion of Mrs. M. John, Mrs. Margaret

T. Sweet recently added to the thirty of the sentiments with regard to the principles of their religious and political rights as American citizens."

On motion of Mrs. M. John, Mrs. Margaret

T. Sweet recently added to the thirty of the sentiment of the sentiment of the sentiment of the sentiment of the proposed influencing hostile legislation against the people and true women of Utah. We will hear it read; then let us weigh every word, take it for what it is worth, and act according to our best judgment.

Mrs. Lucy W. Kimball then read in a clear and intelligent meeting and sent to Mrs. Hayes, wife of the president of these United States, for the purpose of influencing hostile legislation against the people and true women of Utah. We will hear it read; then let us weigh every word, take it for what it is worth, and act according to our best judgment.

Mrs. Lucy W. Kimball then read in a clear and intelligent meeting and sent to Mrs. Hayes, wife of the president of these United States, for the purpose of influencing hostile legislation against the people and true women of Utah. We will hear it read; then let us weigh every word, take it for what it is worth, and act according to our best judgment.

ciples of their religious and political rights as American citizens."

On motion of Mrs. M. John, Mrs. Margaret T. Smoot was called to take the chair; Mrs. Caroline Daniels was elected secretary, and Mrs. L. W. Kimball, assistant secretary.

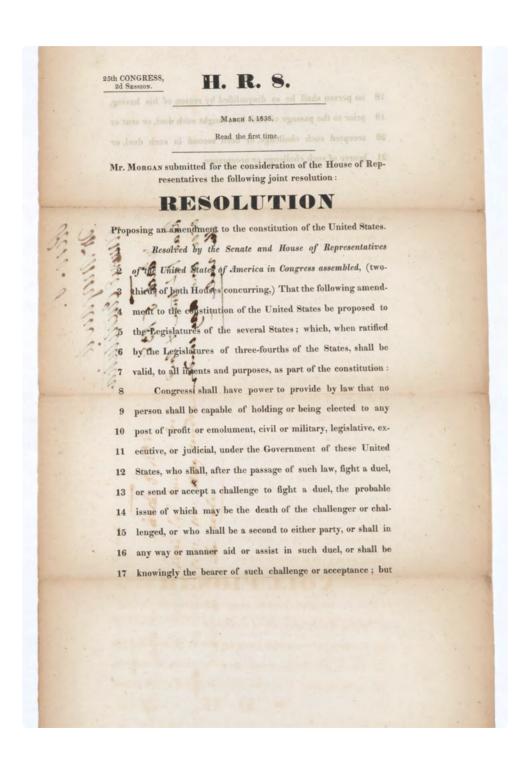
The choir, under the leadership of Prof. Daniels, sang, "O, God, our help in ages past," etc. Mrs. Mary Duke offered up prayer, and the choir again sang.

Mrs. Smoot, chairman, then arose and said, Ladies and sisters of the Church of Jesus Christ of Latter-day Saints, we meet together this morning for the purpose of declaring to the world and each other our sentiments in regard to our most holy religion,—to enter our

Dueling Congressmen

In 1838, Representative William Graves of Kentucky shot and killed Representative Jonathan Cilley of Maine in a duel at the Bladensburg dueling grounds in Maryland. Although duels had been seen as demonstrations of bravery and honor, they became an unacceptable way to resolve disputes. Members of Congress introduced two amendments to forbid duelists from holding public office. Neither succeeded.

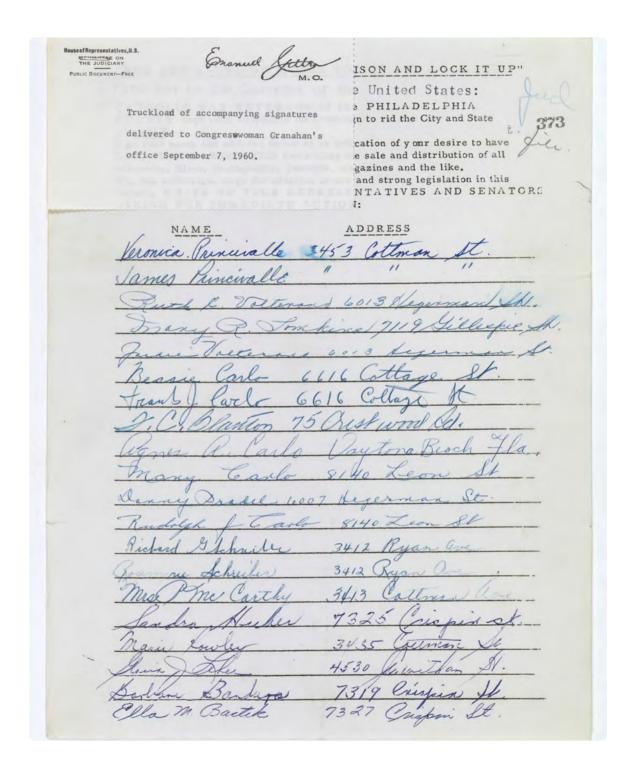
H.R. 8 proposing an amendment to the Constitution to prohibit any person involved in a duel from holding federal office, March 5, 1838



"Moral Poison"

Obscene and violent publications became popular in the 1950s, producing a backlash from those who wanted to ban them. A half dozen amendments were introduced in the 1960s to give Congress and the states the power to regulate them. These petitioners wrote to urge Congress to control "smut."

Petition from the Catholic War Veterans of Philadelphia against the sale and distribution of smut, September 7, 1960 (date received)



Duty to Tell the Truth

Cultural shifts in the 1950s and 1960s led some citizens to fear that the nation's moral code was changing for the worse and that criminal activity was increasing. This citizen attempted to address these issues by advocating for an amendment establishing "the duty of all persons to tell the truth, the whole truth, and nothing but the truth."

Petition for a constitutional amendment establishing the duty of all persons to tell the truth, the whole truth, and nothing but the truth, October 17, 1963

Records of the U.S. Senate

PETITION FOR REDRESS OF GRIEVANCES

We, the people of the United States of America, hereby petition The Congress and the Legislatures of the several States to propose and to ratify the following Amendment to The Constitution.

ARTICLE XXIV. It is the duty of all persons to tell the truth, the whole truth, and nothing but the truth in all matters involving or threatening harm, loss, damage, injury, or terror to any citizen, community, or to this Nation. Every Judge, Law Enforcement Officer and Attorney at Law is hereby authorized, empowered, directed and made personally responsible for requiring persons to perform this civic duty. Any citizen who fails to perform this civic duty shall be imprisoned for twenty years at hard labor and all his real and personal property be forfeit to any community where it may be located. Any person not a citizen who fails to perform this civic duty shall be deported within twenty four hours and never permitted to return to this Nation.

SIGNED Jay Creswell

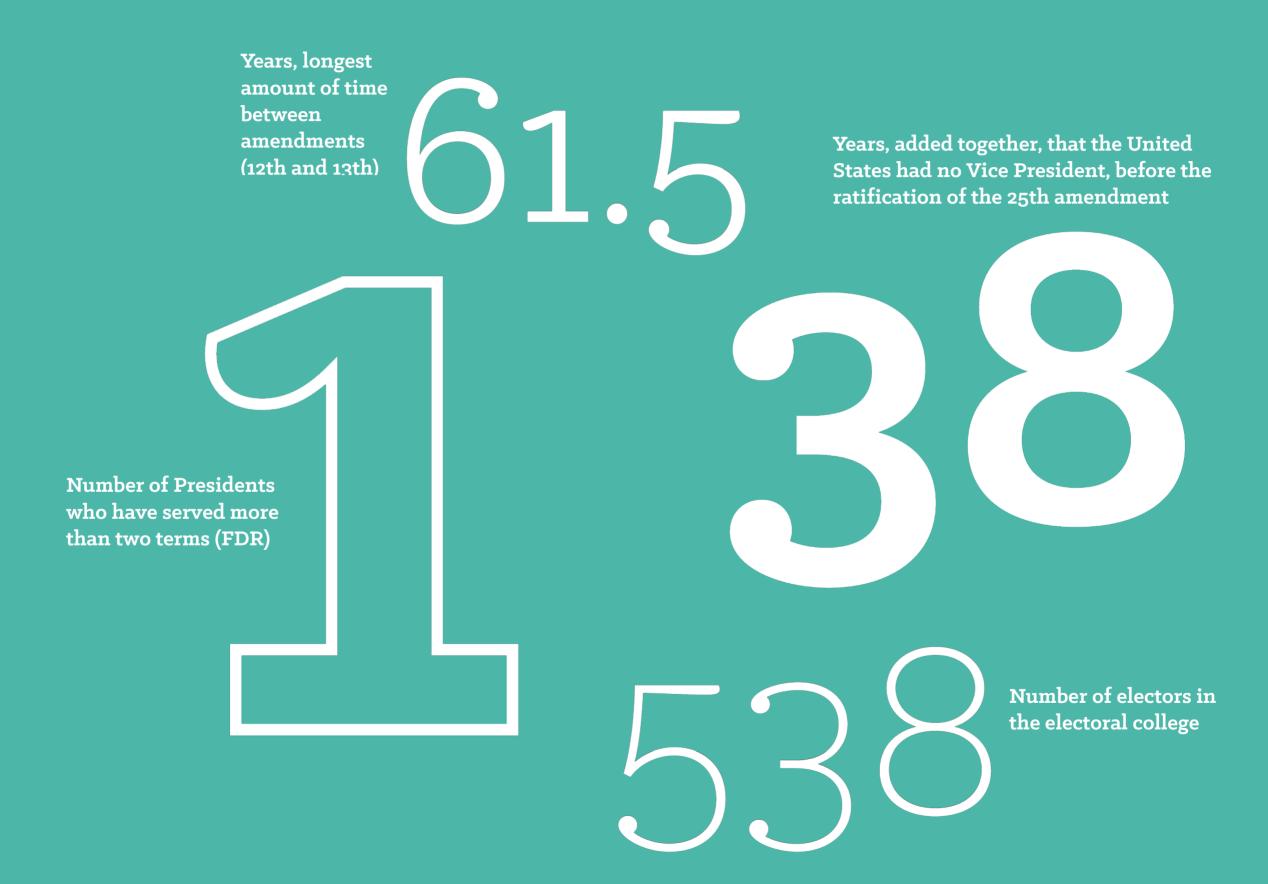
Address 802 Summerlin Avenue South East, Orlando Florida 32806

C Copyright 1963 by The Universal Exchange

The Shape of Our

GOVERNIENT

- Thirteenth ullet Fourteenth ullet Fifteenth ullet Sixteenth ullet Seventeenth ullet Eightee
- Nineteenth ullet Twentieth ullet Twenty First ullet Twenty Second ullet Twenty Third
- Fourth Twenty Fifth Twenty Sixth Twenty Seventh First Second
- Fourth Fifth Sixth Seventh Eighth Ninth Tenth Eleventh Tv
- Thirteenth Fourteenth Fifteenth Sixteenth Seventeenth Eightee
- Nineteenth Twentieth Twenty First Twenty Second Twenty Third
- Fourth Twenty Fifth Twenty Sixth Twenty Seventh First Second
- Fourth Fifth Sixth Seventh Eighth Ninth Tenth Eleventh Tw
- Thirteenth Fourteenth Fifteenth Sixteenth Seventeenth Eightee



The Shape of Our Government

How the government is structured affects how it works

The Founders who wrote the Constitution were uncertain it would work. They were constructing new ways to run a government that had never been tried before. It's not surprising, then, that time would reveal some flaws or inefficiencies. Many proposed amendments would alter how the Federal Government is structured, who participates in government, and how candidates are elected.

The Shape of Our Government explores:

The Presidency: From the length of the term to what happens when a President dies in office, the Presidency has been a hot topic for revision.

Congress: The "People's Branch" of government is closest to the citizens, who have had some suggestions for modifying it.

Elections: Is there a better way to choose candidates for office? Americans have offered many interesting options.

Only Two Terms for President

Theodore Roosevelt was the first President to seriously challenge the two-term limit precedent set by George Washington. When he was criticized for running a third time in 1912, he asserted that technically the 1904 campaign was his first true run for the Presidency. He originally took office in 1901 after President William McKinley was assassinated. Roosevelt lost the election.

Untitled. [Anti-Third Term Principle], cartoon by Clifford Berryman, October 1, 1912

Records of the U.S. Senate Collection



A Third Term During War?

When Franklin Roosevelt ran for an unprecedented third Presidential term in 1940, Europe was engulfed in the flames of World War II, and America would soon join. Less troubled with breaking George Washington's precedent, many Americans wanted the most qualified person to lead the nation during war. After Roosevelt won a fourth term, the 22nd Amendment limited future Presidents to two.

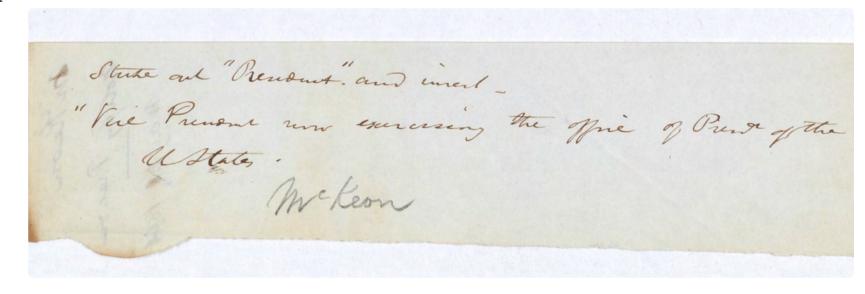
Letter to President Franklin D. Roosevelt from Peter Warwick, Jr., in support of a third Presidential term, June 8, 1940

Franklin Delano Roosevelt Presidential Library

907 West Grace Street, Richmond, Virginia. June 8th. 1940. Personal His Excellency, Franklin D. Roosevelt, President of the U. S. A. Washington, D. C. Dear Mr. President. Due to the tremendous strain under which you have labored for nearly two terms, I have refrained from urging upon you to accept the Nomination and Election for a third term. For the sake of the Country and my children, I feel that due to the terrific World Revolution now under way, that it would be a catastrophy not to have your continued Leadership. which has proven most wise and humane. With sincere wishes for your good health and may God grant you all blessings and guidance, I am Faithfully

Acting President?

William Harrison was the first President to die in office, in 1841. Vice President John Tyler was sworn in, but Congress couldn't agree on whether he was President or Acting President. This resolution failed, and Tyler assumed the full duties of President. However, many questions about Presidential succession remained unaddressed until the 25th Amendment was ratified in 1967.



Motion to amend the resolution to strike out "President" and insert "Vice President now exercising the office of President," May 31, 1841

Vice President Moves Up

Who's next in line when the President and Vice President die or resign? For a total of 38 years, the Vice Presidency has been vacant when the VP died or became President. When Lyndon Johnson became President after John Kennedy's assassination in 1963, the tragedy galvanized support for the 25th Amendment, which provided for the appointment of a Vice President.

Lyndon Baines Johnson taking the Presidential Oath of Office Aboard Air Force One, November 22, 1963

John F. Kennedy Presidential Library



Political Crisis Averted

Without the 25th Amendment, the nation may have faced a political crisis in 1974. Accused of tax evasion, Vice President Spiro Agnew resigned in 1973, then President Richard Nixon resigned during the Watergate investigation in 1974. Both offices would have been vacant, but under the 25th Amendment, the President could nominate a replacement. Nixon asked Congressman Gerald Ford for recommendations, but ultimately chose Ford himself.

Letter from House Minority Leader Gerald R. Ford to President Nixon with recommendations for nomination to the Vice Presidency, October 11, 1973

Richard M. Nixon Presidential Library



HOUSE OF REPRESENTATIVES WASHINGTON, D. C. 20515

October 11, 1973

Dear Mr. President:

On the basis of the criteria outlined by you at the meeting in your office I am recommending the following in the order of my preference:

- 1. John Connally
- 2. Mel Laird
- 3. Nelson Rockefeller or Ronald Reagan

I will not go into the reasons for my views as I'm sure you are familiar with reasons in each instance.

You can rest assured that I will fully cooperate and assist in this and all other problems in the months ahead.

Warmest personal regards.

Sincerely,

ald R Ford, M. C

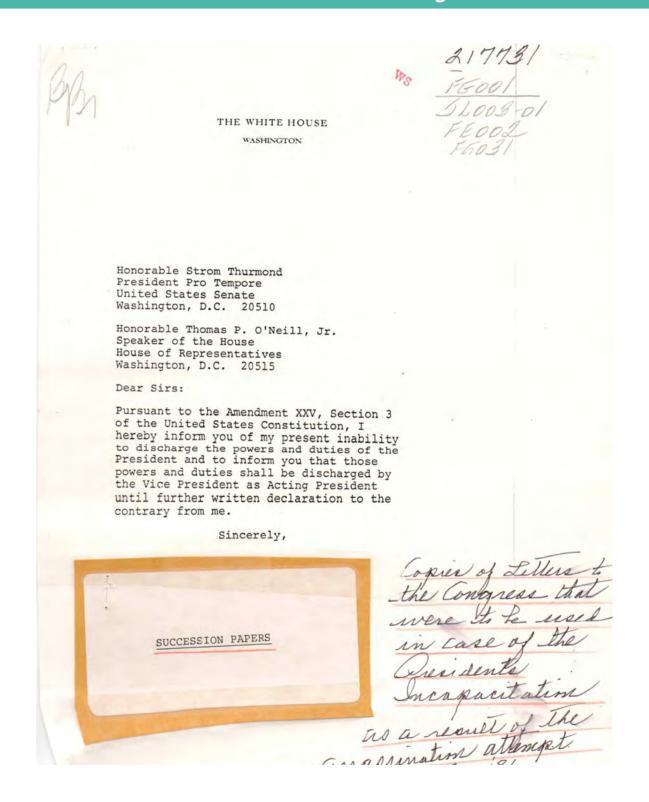
The President
The White House

Presidential Disability

When President Ronald Reagan was shot in 1981, it was unclear whether the 25th Amendment's disability clauses should go into effect. These clauses authorize the Vice President to become Acting President while the President is unable to perform his duties. Letters like this one were prepared to inform Congress of a transfer of power but were never used.

Copy of a letter to Congress that was to be used in case of the President's incapacitation as a result of the assassination attempt, March 1981

Ronald Reagan Presidential Library

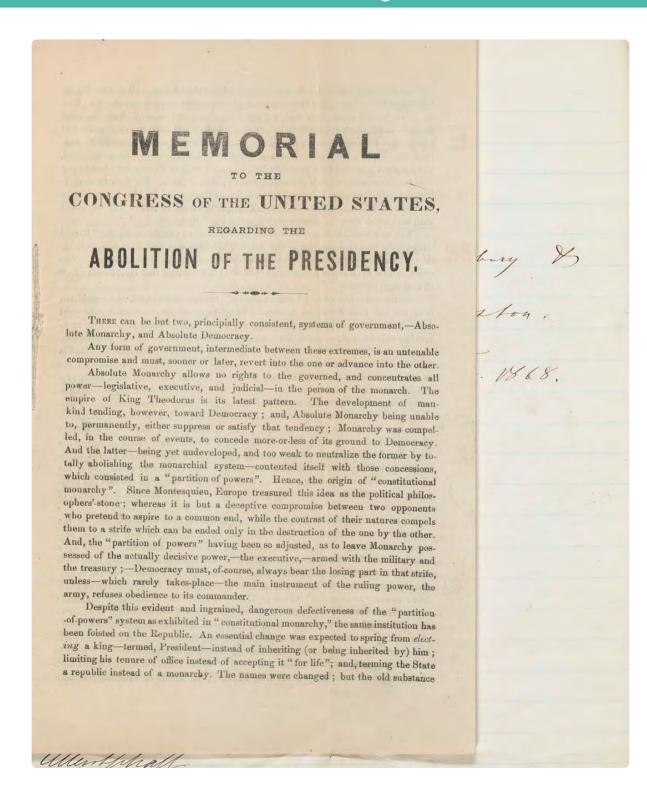


No President Needed

"Had they then been blessed with an Andrew Johnson, [the Founders] would probably have bethought themselves of another disposition of the executive power," said these petitioners. President Andrew Johnson's unpopular policies after the Civil War and disregard for Congress led some Americans to believe the Presidency had become too powerful. Their solution was to get rid of the Presidency altogether.

Memorial regarding the abolition of the presidency, circa February 1868

Records of the U.S. Senate



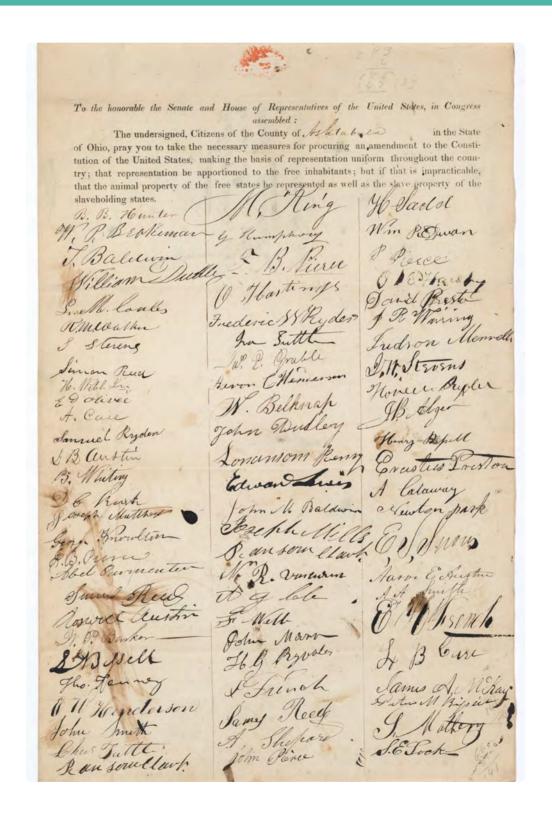
The Shape of Our Government: The Presidency

Animals Are People, Too?

These petitioners ironically highlighted the hypocrisy behind Southern states' defense of the Three-Fifths Clause in the Constitution: they claimed that slaves are property, but also counted them as three-fifths of a person regarding representation in Congress. The petitioners argued that animals in free states be counted as persons with respect to congressional apportionment, just as slaves are in the South.

Petition for a constitutional amendment that representation in Congress be apportioned by including the animal property of the free states as well as the slave property of the slaveholding states, circa 1844

Records of the U.S. House of Representatives



The Shape of Our Government: The Presidency

No Votes, No Job

Citing "extensive 'moonlighting,' junketing, and political campaigning," Senator Margaret Chase Smith proposed an amendment to punish absenteeism in Congress. It failed, partly because the language was so inflexible that it didn't exempt members for illness. Opposition also came from members who felt that voting was only one way that members served their constituents at home.

Petition for a constitutional amendment to expel members of Congress who are absent for more than 40 percent of roll call votes, circa 1971

Records of the U.S. Senate

Voice Of The People Put Lawmakers Back To Work to make your voice heard in politicians want. They know that I wish to submit the following Washington on a proposed if it ever comes to a vote, the article for your consideration amendment to the U.S. amendment will pass because no and publication, if possible, Constitution which would expel Senator will dare vote against it along with the blank enclosed members of Congress who are which I hope people will fill out not present for at least 60 per-Now is your chance to take positive action and force the and send to the Senate Sub- cent of the roll call votes. committee on Constitutional The amendment, which was work for you, the taxpayer. reluctant politicians to go to Amendments in Washington. introduced by Senator Margaret The article expressed my Chase Smith (R.-Maine), is Cut out the letter on this page. views exactly, and I believe a being held up by a Senate Subsign your name and address and great many other people share committee on Constitutional send it to Washington. this view also. Don't put it off until tomor-Amendments. According to Sen. John Adamson Smith, unless there is row. Do it now! overwhelming public pressure Mail to: Senate Subcommittee Are you in favor of forcing placed on the subcommittee, her on Constitutional Amendments, absentee Senators and amendment will die quietly and Committee on the Judiciary, Representatives back to work? never be reported to the full Senate Office Building, If you are, then there's still time Senate for vote. This is what the Washington, D. C. 20510. Senate Subcommittee on Constitutional Amendments Committee on the Judiciary Senate Office Building Washington, D.C. 20510 Senators Birch Bayh, Quentin Burdick, Robert Byrd, Marlow Cook, James Eastland, Miram Fong, Edward Gurney, Roman Hruska, Sam Ervin, Strom Thurmound and answered John Tunney. Gentlemen: I demand that the Constitutional Amendment Subcommittee take immediate action and report Senator Margaret Chase Smith's proposed Constitutional amendment which will expel members of Congress who are absent for more than 40 percent of the roll calls (S. Res. 200) to the full Senate for a vote. I absolutely agree that members of Congress who are absent for more than 40 per cent of the roll call votes should be ex-

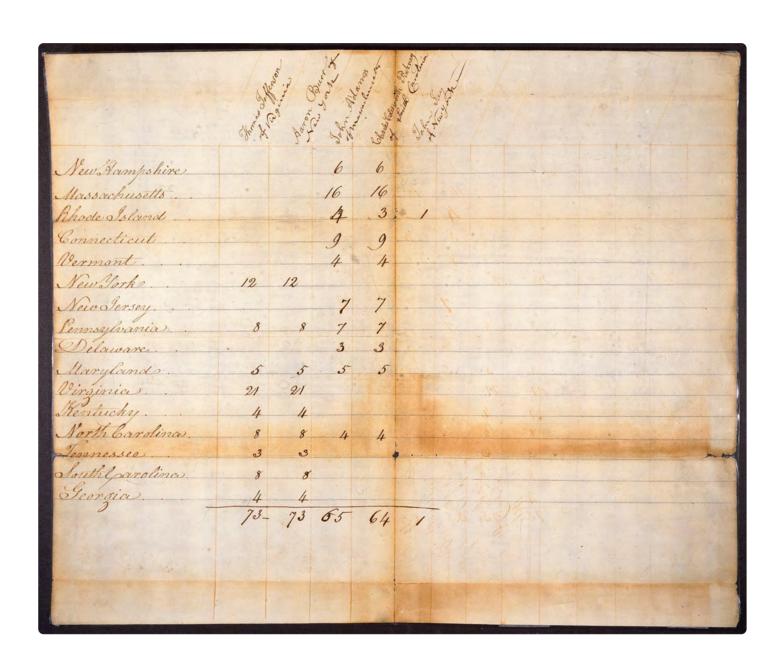


Tie Vote for President

There was a 73–73 tie vote in the electoral college in the 1800 Presidential election. It was resolved only after Alexander
Hamilton encouraged the House of
Representatives to elect his adversary
Thomas Jefferson over his future mortal enemy Aaron Burr. In 1804, the 12th
Amendment modified the electoral college, ensuring that a tie vote would not occur again.

Electoral College tally for the 1800 presidential election, February 11, 1801

Records of the U.S. Senate



No More Electoral College?

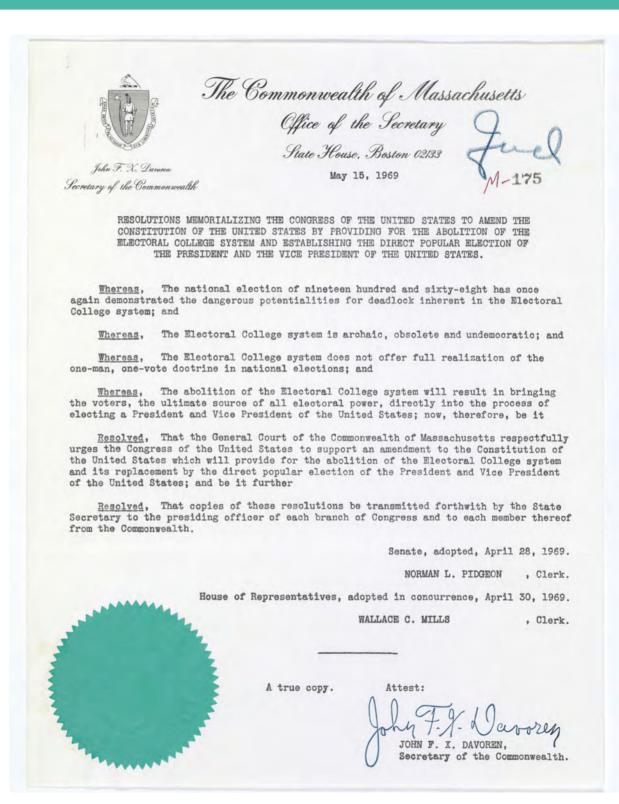
We don't actually vote for President. We vote for the electoral college, whose members then vote for the candidate of our choice. Although the first efforts to abolish the electoral college came right after the 1800 election debacle, this proposed amendment has not passed Congress. These resolutions state the most popular reasons for direct election of the President.

Resolutions of the Commonwealth of Massachusetts to amend the Constitution to abolish the electoral college and establish direct popular election of the president, May 15, 1969

Records of the U.S. House of Representatives

"I do think that [the creators of the electoral college would say it should be modified], for two reasons. First, the Framers were experimental politicians, and they were open to the evidence of how things were operating. Second, they really had no good idea how the system would work."

Constitutional scholar Jack Rakove, 2012



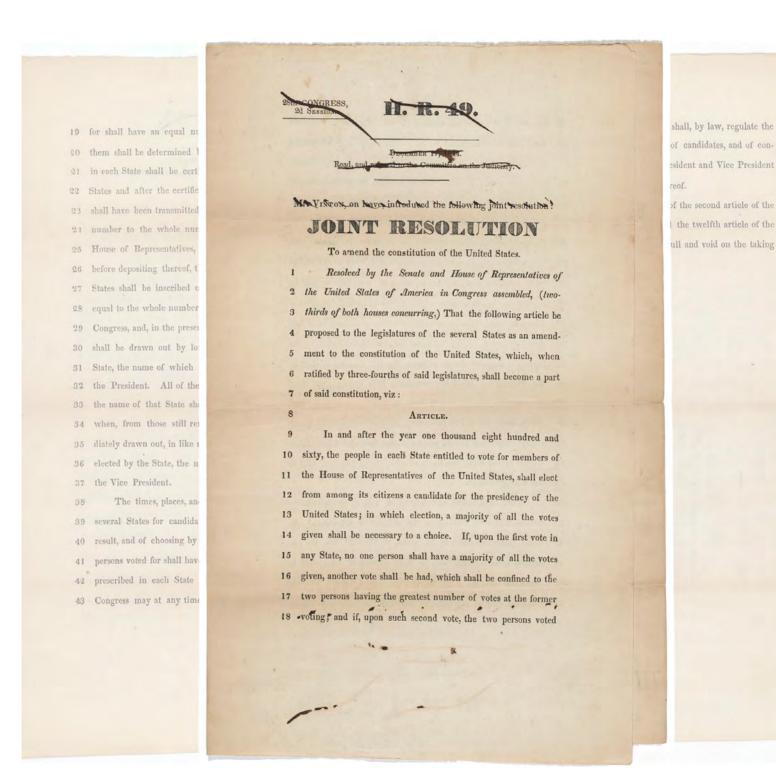
Electing a President by Lot

We could choose our President by picking a ball from a bowl. This was one of many ideas suggested in Congress for replacing the Electoral College system devised by the Founders. The randomness of this method may have been an attempt to sidestep growing sectional rivalries before the Civil War.

The resolution proposed that each state would vote for one of their own residents to be a candidate for President. Each state's name would be written on balls, and the number of balls would be equal to the number of members of Congress from that state (like the Electoral College). The balls would be placed in an urn, and the candidate from the state on the first ball drawn would be President. The name on the second ball drawn would be Vice President.

H.J. Res. 8 proposing a constitutional amendment to elect the President by lot, January 13, 1846

Records of the U.S. House of Representatives

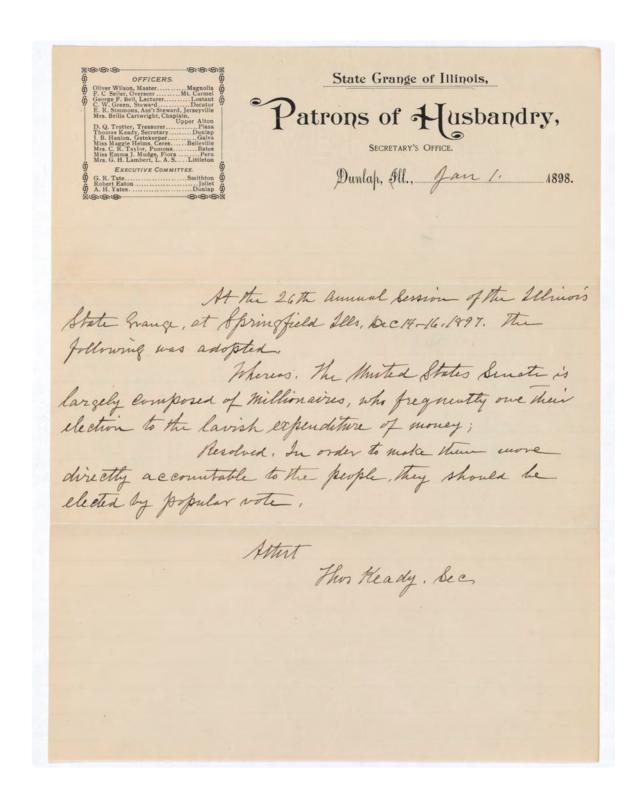


Corrupt Millionaires

The Senate was alleged to be corrupt, unresponsive to citizens, and filled with millionaires who spent too much on campaigns, according to many Progressive Era critics like the State Grange of Illinois. In response, the 17th Amendment was ratified in 1913. It provided for direct election of senators by the people, in place of election by state legislatures.

Petition of the State Grange of Illinois for the direct election of senators, January 1, 1898

Records of the U.S. Senate

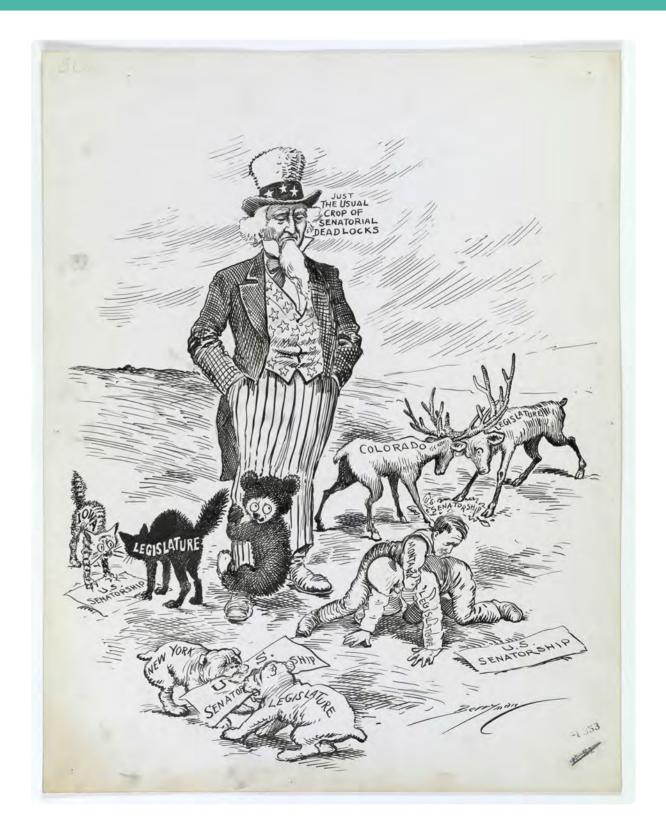


Empty Seats

The Founders intended for the Senate to represent the states, therefore the Constitution directed that state legislatures would elect Senators. But when both houses of a state legislature didn't agree on a candidate, the election deadlocked, and the Senate seat remained empty. This cartoon illustrated how common such deadlocks had become when Congress finally addressed this problem by proposing the 17th Amendment.

Untitled, ["Just the usual crop of senatorial deadlocks"], cartoon by Clifford Berryman, February 4, 1911

Records of the U.S. Senate



How We AMENID Fourth • Twenty Fifth • Twenty Sixth • Twenty Seventh • First • Second Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Tw Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee

How We Amend: By the Numbers



How We Amend

An Idea Becomes an Amendment

It is very easy to propose constitutional amendments. Members of Congress have done it over 11,000 times. But ratifying amendments is very hard—so difficult that it has happened only 27 times.

Article V of the Constitution sets a very high bar for amendments to change our foundational document. It requires a high degree of consensus to ensure that the ideas we adopt are universal and stand the test of time.

"The plan now to be formed will certainly be defective, as the Confederation has been found on trial to be. Amendments therefore will be necessary, and it will be better to provide for them, in an easy, regular and Constitutional way than to trust to chance and violence."

Virginia delegate George Mason, 1787



How We Amend: Amending Issues

A Convention To Propose

All of the 27 ratified amendments have been proposed by a two-thirds vote in Congress, but there is another way.
Congress must call a convention for proposing amendments when two-thirds of the states submit applications to Congress.
To avoid the convention called for in this Louisiana application, Congress proposed direct election of senators. It became the 17th Amendment in 1913.

Joint resolution of the state legislature of Louisiana calling for a constitutional convention under Article V of the Constitution to propose an amendment for direct election of senators, November 25, 1907

Records of the U.S. Senate

COPY OF JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONVENTION FOR PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES: WHEREAS, We believe that Senators of the United States should be elected directly by the voters; and, WHEREAS, To authorize such direct election, and amendment to the Constitution of the United States is necessary; and, WHEREAS, The failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing a submission of such amendment to the States is through a Constitutional Convention, to be called by Congress upon the application of the legislature of two-thirds of all the States; therefore, BE IT RESOLVED, BY THE GENERAL ASSEMBLY OF THE STATE OF LOUISIANA: Section 1. That the Legislature of the State of Louisiana hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a Constitutional Convention for proposing amendments to the Constitution of the United States. Sec. 2. That this resolution duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House. J. W. HYAMS. Speaker of the House of Representatives. J. Y. SANDERS, Lieutenant Governor and President of the Approved November 25, 1907. NEWTON C. BLANCHARD, Governor of the State of Louisiana Secretary of State.

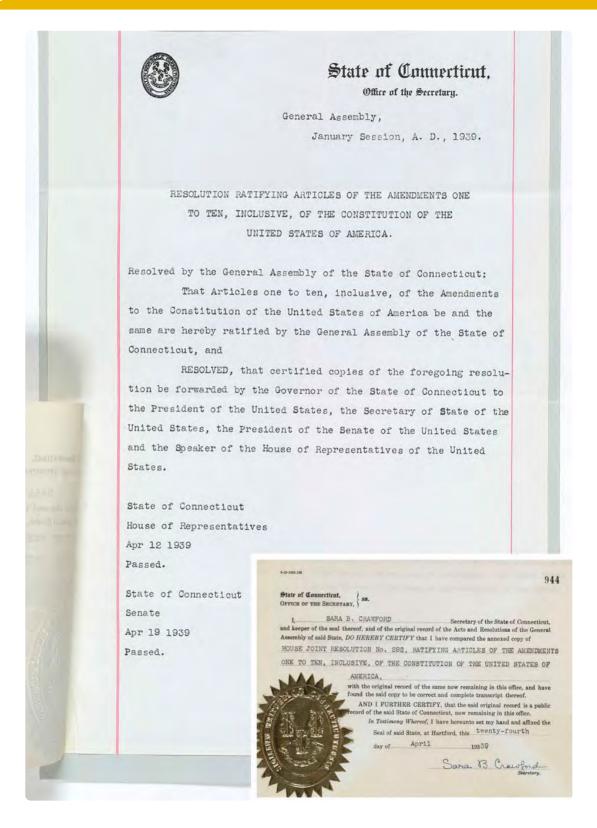
How We Amend: Amending Issues

Ratification 150 Years Later

In 1939, the nation prepared to celebrate the 150th anniversary of the Bill of Rights. By the 20th century, the Bill of Rights had become significantly more important in law and culture than the Founders could have anticipated. Connecticut symbolically ratified the Bill of Rights in 1939, as did Georgia and Massachusetts. These states had failed to ratify in 1791.

Connecticut's ratification of the Bill of Rights, April 24, 1939

Records of the U.S. House of Representatives



How We Amend: Article V

Rules for Ratification

In February 1865, as the Civil War was drawing to a close, Congress faced a peculiar predicament after passing the 13th Amendment, which abolished slavery. Three-fourths of the states were needed to ratify it for it to become part of the Constitution. But would the Confederate states count?

Charles Sumner brought this resolution before the Senate on February 4, proposing that only states currently represented in Congress should be needed for ratification. The resolution failed, and the amendment was ratified with the votes of several former Confederate states.

Senator Charles Sumner's resolutions declaring the rule in ascertaining the three-fourths of the several states required in the ratification of a Constitutional amendment, February 4, 1865

Records of the U.S. Senate

38 long February H. 1865. - Ordered to be printed Mr. Summer submitted the following Resolutions. Concurrent resolutions declaring the rule in ascertaining the three-fourths of the several states required in the ratification of a Constitutional busendment. Whereas Congress, by a vote of two-thirds of both Houses, has proposed an awendment to the Constitution, prohibiting Slavery every-where in the United States, which, according to the existing requirement of the Constitution will be valed to all intents and purposes as part of the Constitution, when ratified by the Legislatures of three-fourths of the several States, and whereas, in the present condition of the country, with certain states in arms against the hational Government, it becomes unportant to determine what number of states constitutes the three-fourth's required by the Constitution I herefore

How We Amend: Amending and the National Archives

The Role of the Archivist

The Archivist of the United States, head of the National Archives, is responsible for certifying that constitutional amendments have been properly ratified. The National Archives also holds other Federal records relating to the creation and application of the amendments. This certification of the 27th Amendment—the last one added—was signed by Archivist of the United States Don Wilson.

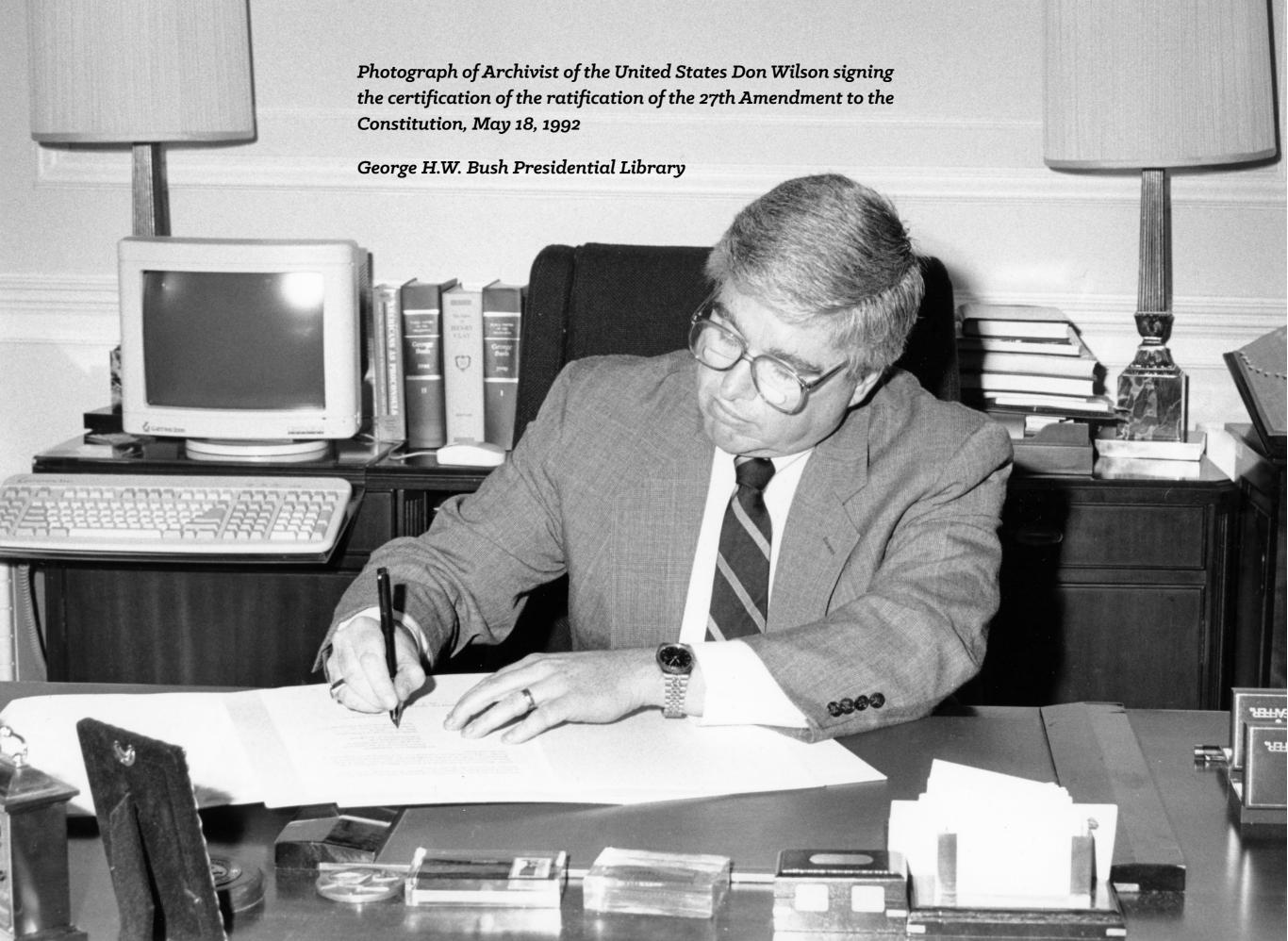
Certification of the ratification of the 27th Amendment to the Constitution by the Archivist of the United States, May 18, 1992

Records of the General Government

"Happy for us that when we find our constitutions defective and insufficient to secure the happiness of our people, we can assemble with all the coolness of philosophers and set it to rights, while every other nation on earth must have recourse to arms to amend or to restore their constitutions."

Thomas Jefferson, 1787





How We Amend: Amendment in Bunches

Founder's Era:

1789-1810

The generation that wrote the Constitution considered it a work in progress, and changed it 12 times. (Amendments 1-12)

Civil War Era:

1860-1870

The Civil War wrought huge changes in American society and government. After the War, three amendments were ratified in five years. (Amendments 13–15)

Progressive Era:

1910-1933

The massive social, economic, and technological changes at the turn of the 20th century compelled Americans to update our fundamental

Civil Rights Era:

1960s-1978

The social upheaval of the Civil Rights Movement led to repeated expansions of democracy by amendment (Amendments 23–26)

The Amendments: How We Amend

27th Amendment

Originally proposed Sept. 25, 1789. Ratified May 7, 1992.

No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of representatives shall have intervened.

Additional

INFORMATION

Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee Nineteenth • Twentieth • Twenty First • Twenty Second • Twenty Third Fourth • Twenty Fifth • Twenty Sixth • Twenty Seventh • First • Second Fourth • Fifth • Sixth • Seventh • Eighth • Ninth • Tenth • Eleventh • Twenth • Thirteenth • Fourteenth • Fifteenth • Sixteenth • Seventeenth • Eightee Nineteenth • Twenty First • Twenty Second • Twenty Third

The Amendments: Our Rights

1st Amendment

Passed by Congress September 25, 1789.

Ratified December 15, 1791.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

2nd Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.

3rd Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

4th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

5th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without

due process of law; nor shall private property be taken for public use, without just compensation.

6th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

7th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any court of the United States, than according to the rules of the common law.

8th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

9th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

10th Amendment

Passed by Congress September 25, 1789. Ratified December 15, 1791.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

13th Amendment

Passed by Congress January 31, 1865. Ratified December 6, 1865. Note: A portion of Article IV, section 2, of the Constitution was superseded by the 13th amendment.

Section 1.

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2.

Congress shall have power to enforce this article by appropriate legislation.

14th Amendment

Passed by Congress June 13, 1866. Ratified July 9, 1868. Note: Article I, section 2, of the Constitution was modified by section 2 of the 14th amendment.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age,* and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

*Changed by section 1 of the 26th amendment.

15th Amendment

Passed by Congress February 26, 1869. Ratified February 3, 1870.

Section 1.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude--

Section 2.

The Congress shall have the power to enforce this article by appropriate legislation.

19th Amendment

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

23rd Amendment

Passed by Congress June 16, 1960. Ratified March 29, 1961.

Section 1.

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

24th Amendment

Passed by Congress August 27, 1962. Ratified January 23, 1964.

Section 1.

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

26th Amendment

Passed by Congress March 23, 1971. Ratified July 1, 1971.

Note: Amendment 14, section 2, of the Constitution was modified by section 1 of the 26th amendment.

Section 1.

The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

The Congress shall have power to enforce this article by appropriate legislation.

The Amendments: Refining Powers

16th Amendment

Passed by Congress July 2, 1909. Ratified February 3, 1913.

Note: Article I, section 9, of the Constitution was modified by amendment 16.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

18th Amendment

Passed by Congress December 18, 1917. Ratified January 16, 1919 Repealed by amendment 21.

Section 1.

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

21st Amendment

Passed by Congress February 20, 1933. Ratified December 5, 1933.

Section 1.

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

The transportation or importation into any State, Territory, or Possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

The Amendments: Shape of Our Government

12th Amendment

Passed by Congress December 9, 1803.

Ratified June 15, 1804.

Note: A portion of Article II, section 1 of the Constitution was superseded by the 12th amendment.

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; -- the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and

the votes shall then be counted; -- The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. --]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the VicePresident; a quorum for the purpose shall consist of twothirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by section 3 of the 20th amendment.

17th Amendment

Passed by Congress May 13, 1912.

Ratified April 8, 1913.

Note: Article I, section 3, of the Constitution was modified by the 17th amendment.

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

20th Amendment

Passed by Congress March 2, 1932.

Ratified January 23, 1933.

Note: Article I, section 4, of the Constitution was modified by section 2 of this amendment. In addition, a portion of the 12th amendment was superseded by section 3.

Section 1.

The terms of the President and the Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3rd day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.

Section 2.

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

Section 3.

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

Section 4.

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

Section 5.

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

Section 6.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

22nd Amendment

Passed by Congress March 21, 1947. Ratified February 27, 1951.

Section 1.

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

25th Amendment

Passed by Congress July 6, 1965.

Ratified February 10, 1967.

Note: Article II, section 1, of the Constitution was affected by the 25th amendment.

Section 1.

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

Section 2.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Section 3.

Whenever the President transmits to the President protempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

Section 4.

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the

Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after

Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

How We Amend: Flip Through What Failed

Top Ten Unusual Proposed Amendments

Only 27 of more than 11,000 proposed amendments have become part of the Constitution. Here are some of the more interesting failures.

- Choosing the Executive by lot from the retiring Senators, 1808
- Establishing one six-year term of office for the Executive; thereafter the Executive serves as Senator for life, 1875
- Providing for the division of the country into four sections, and for votes to be taken by sections on demand of one-third of Senators, and a majority from each section shall be necessary for the passage of a bill, 1861
- Keeping land nearly equally divided among people, 1903
- Directing that the President be chosen alternately from free and slave states, 1864
- Providing for return by Federal Government to rightful owners of wealth dishonestly acquired by citizens or combinations of citizens, 1917
- Cutting in half the representation of any state refusing women's right to vote, 1890
- Acknowledging God as the Supreme Authority in all affairs of men, 1894
- Granting Congress the power to protect migratory birds, 1911
- Changing the name of this republic from the United States of America to the United States of the World, 1893

Tweet your favorite! #AmendmentFail

RELIGION & MARRIAGE

- Providing that there be no state religion, that ministers be excluded from office, and prohibiting appropriations to religious sects, 1876
- Acknowledging God as the Supreme Authority in all affairs of men, 1894
- Regarding establishment of religion and free public schools, 1889
- Prohibiting intermarriage between Negroes and persons of Caucasian or other races, 1912
- Prohibiting absolute divorce with right to remarry, 1914
- Giving Congress power to regulate divorce and provide for custody of children, 1916
- Respecting uniform marriage and divorce laws and legitimation of children, 1941
- Respecting prayer in public schools, 1963
- Relying upon God in governmental matters, 1963

THE CONSTITUTION

- Guaranteeing the permanence of the Union by establishing punishment for attempts to subvert or overthrow it, 1865
- Separating church and state, 1875
- Requiring submission of constitutional amendments to the direct vote of the people, 1931
- Authorizing Congress to legislate in regard to the general welfare of the United States, and to determine what that is, 1937

- Recognizing Jesus Christ in the Constitution, 1963
- Adding the principles of the Declaration of Independence to the Constitution, 1976
- Declaring that the Constitution does not protect flag desecration, nor expenditure of money for elections as free speech, 1989War
- Disqualifying persons of the African race from holding office or voting, 1861

LAND

- Dividing the United States into "Presidential sections," 1822
- Respecting the distribution of public land, 1832
- Providing for the division of the country into
- four sections, and for votes to be taken by sections on demand of one-third of Senators, and a majority from each section shall be necessary for the passage of a bill, 1861
- Consolidating certain states into three, for Federal purposes, 1864
- Requiring that states in rebellion be reduced to territories, 1866
- Providing that no noncontiguous territory be annexed to the United States, 1897
- Keeping land nearly equally divided among people, 1903
- Providing for representation in Congress, and appointment of electors of President and Vice President, for District of Columbia by considering the District as part of Maryland, 1965Slavery
- Disqualifying persons of the African race from holding office or voting, 1861

- Regarding protection of civil rights, a system of common schools for all, 1865
- Prohibiting appropriations to sectarian schools, 1870
- Regarding state control over public schools, 1963
- Providing for prayer in public schools and state power to legislate on questions of morality, 1963
- Regarding the right to public support for parents whose children attend nonpublic schools, 1964
- Respecting employment of subversives in the public schools, 1967
- Prohibiting involuntary busing of students, 1970

THE JUDICIARY

- Providing that one-half of judges come from slave-holding states and one-half from non-slave holding states, 1860
- Limiting Supreme Court justices to terms of 10 years, 1894
- Directing that no court shall have the power to set aside as unconstitutional any law passed by Congress, 1936
- Submitting certain judgments of the Supreme Court to the people, 1936

- Establishing of a Court of the Union, 1963
- Respecting the power of Congress to override decisions of the Supreme Court, 1967
- Respecting popular approval of Federal judges, 1969
- Requiring that Federal judges be reconfirmed by the Senate every 10 years, 1991

CONGRESS

- Limiting bills to one subject, 1879
- Providing that acts of Congress held unconstitutional by the Supreme Court shall be valid if reenacted by Congress, 1937
- Giving the power to ratify treaties to the House of Representatives, 1967
- Requiring mandatory retirement at age 70 for Supreme Court justices and members of Congress, 1969
- Requiring a two-thirds vote to increase taxes, 1981
- Limiting the number of consecutive terms a person may serve as a Representative or Senator, 1992
- Providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated, 2003

THE PRESIDENT

- Limiting bills to one subject, 1879
- Providing that acts of Congress held unconstitutional by the Supreme Court shall be valid if reenacted by Congress, 1937
- Giving the power to ratify treaties to the House of Representatives, 1967
- Requiring mandatory retirement at age 70 for Supreme Court justices and members of Congress, 1969
- Requiring a two-thirds vote to increase taxes, 1981
- Limiting the number of consecutive terms a person may serve as a Representative or Senator, 1992
- Providing for the event that one-fourth of the members of either the House of Representatives or the Senate are killed or incapacitated, 2003

VOTING AND CITIZENSHIP

- Disqualifying persons of the African race from holding office or voting, 1861
- Excluding the descendants of Africans from citizenship, 1861
- Prohibiting the vote to Chinese persons, 1869
- Providing that the right to vote be based on citizenship, 1880
- Cutting in half the representation of any state refusing women's right to vote, 1890
- Repealing the 15th Amendment [the right of Black males to vote], 1900
- Prohibiting dual citizenship, 1942
- Permitting naturalized citizens to hold office of President and Vice
 President after 11 years of citizenship, 1989
- Restricting the requirement of citizenship at birth by virtue of birth in the United States to persons with legal resident mothers, 1991

MISCELLANEOUS

- Changing name of United States of America to America, 1866
- Establishing the inalienable right to a decent environment, 1970
- Regulating pornography, 1970
- Prohibiting denial of equal opportunity because of quotas or ratios based on race, color, national origin, religion, or sex, 1978
- Protecting cultural and linguistic rights, 1992
- Respecting the right to decent and affordable housing, 1993
- Giving citizens of the United States the right to recall elected officials, 1995
- Give states the right to repeal Federal laws and regulations when ratified by the legislatures of two-thirds of the several states, 2014

- Providing that the sale and manufacture of articles from products of the soil shall not be prohibited or abridged, 1884
- Changing the name of this republic from the United States of America to the United States of the World, 1893
- Providing penalty of death for any person attempting destruction of property of the United States, 1901
- Providing penalty of deportation or life imprisonment for all members of anarchical societies, 1901
- Authorizing Congress to insure lives of United States citizens, 1905
- Granting Congress the power to protect migratory birds, 1911
- Giving Congress the power to levy taxes for old age assistance, 1939
- Abolishing the death penalty, 1965

Credits

This guide is based on the exhibition "Amending America" in the Lawrence F. O'Brien Gallery in the National Archives Museum in Washington, DC. The exhibition is on display from March 11, 2016, through September 4, 2017. Visit the National Archives Museum.



Credits:

Written and curated by Christine Blackerby and Jennifer N. Johnson

Interactive eGuide designed by Amanda Perez

Edited by Benjamin Guterman and Mary Ryan

Cover Photo by Amanda Perez

Image scans by Digital Imaging Department

Exhibition presented in part by:





HISTORY®

Lawrence F. O'Brien Family

About the National Archives

The National Archives and Records Administration (NARA) is the nation's record keeper. Of all documents and materials created by the United States Federal Government in the course of its business, only 1 to 3 percent are so important for legal or historical reasons that they are kept by us forever.

Follow us on:.

Online: Online: www.archives.gov/amendingamerica

Twitter: @USNatArchives

Facebook: http://facebook.com/usnationalarchives

Instagram: http://instagram.com/usnatarchives

Pinterest: http://pinterest.com/usnatarchives/

YouTube: www.youtube.com/usnationalarchives

Flickr: www.flickr.com/photos/usnationalarchives

Tumblr: http://usnatarchivesexhibits.tumblr.com

Pieces of History blog: http://blogs.archives.gov/prologue/

DocsTeach: http://docsteach.org/home/amendments

Follow along and tweet about the Amending America eCatalog and exhibition with #Amending America.

Citation Index

All records are from the National Archives and Records Administration and its Presidential Libraries unless otherwise noted. Links are to the identifier numbers in the National Archives Catalog.

OUR RIGHTS

Voting Record of the Constitutional Convention, showing the vote on the motion to appoint a committee to prepare a bill of rights, 1787, Records of the Continental and Confederation Congresses and the Constitutional Convention (Identifier 301680)

The Federalist: A Collection of Essays, Written in Favour of the New Constitution, #1, 1787, Library of Congress

Ratification of the Constitution by New York, with proposed amendments, July 26, 1788, Records of the General Government (Identifier 24278854)

Change to the preamble to the Bill of Rights, August 25, 1789, Records of the U.S. Senate (Identifier 24824259)

Motions A–D proposing amendments that failed in the Senate, September 7, 1789, Records of the U.S. Senate (Identifier 24824270)

Senate Revisions to House Proposed Amendments to the U.S. Constitution [Senate Mark Up of the Bill of Rights], September 9, 1789, Records of the U.S. Senate (Identifier 3535588)

Virginia's ratification of the Bill of Rights, December 15, 1791, General Records of the U.S. Government (Identifier 5721244)

Statement of the Committee for the First Amendment, circa 1947, Records of the U.S. House of Representatives (Identifier 25466014)

Letter from the Central Christian Church of Fort Lauderdale in favor of a school prayer constitutional amendment, June 11, 1964, Records of the U.S. House of Representatives (Identifier 24824307)

Letter from the Alabama Baptist State Convention opposed to a school prayer constitutional amendment, May 8, 1964, Records of the U.S. House of Representatives (Identifier 24824310

Petition from People for the American Way opposed to the flag burning constitutional amendment, June 20, 1990, Records of the U.S. Senate (Identifier 26283955)

Foreign language newspapers published in the United States are displayed and sold along with newspapers published in the English Language, date unknown, Records of the United States Information Agency (Identifier 24520425)

March on Washington for Jobs and Freedom, Lincoln Memorial Program, August 28, 1963, John F. Kennedy Presidential Library (Identifier 5753043)

Students from Pittsburgh, Pennsylvania, take part in the Civil Rights March on Washington, August 28, 1963, Records of the United States Information Agency (Identifier 24520427)

Resolution That All Petitions, Memorials, and Papers Relating to Slavery Be Laid Upon the Table without Being Debated, Printed, Read or Referred [Gag Rule], December 21, 1837, Records of the U.S. House of Representatives (Identifier 306601)

Rolled petition of residents of the District of Columbia against the enactment of a District Prohibition bill, circa 1939, Records of the U.S. Senate (Identifier 25466456)

President Harry S Truman sighting a shotgun at Sun Valley, Idaho, June 1948, Harry S Truman Presidential Library

"The Saturday Night Special: A major cause of heartburn," circa 1975, Records of the U.S. House of Representatives (Identifier 25466012)

Letter to Congress opposed to gun control laws, December 3, 1975, Records of the U.S. House of Representatives (Identifier 24824248)

True copy of a Resolution from Freemen of Providence, Rhode Island, to draft a letter to Congress to represent the situation of quartering in Providence, July 3, 1779, Records of the Continental and Confederation Congresses and the Constitutional Convention (Identifier 6922099)

Search warrant from *Katz* v. *United States*, February 25, 1965, Records of the Supreme Court of the United States (Identifier 26303758)

Letter to the House UnAmerican Activities Committee (HUAC) from Lillian Hellman regarding her subpoena, May 19, 1952, Records of the U.S. House of Representatives (Identifier 24200384)

Jury's guilty verdict for Al Capone on the charge of tax evasion, October 17, 1931, Records of District Courts of the United States (Identifier 628966)

Petition to abolish the death penalty, 1900, Records of the U.S. House of Representatives (Identifier 25466029)

Griswold v. Connecticut, concurring opinion of Justice Goldberg and Chief Justice Brennan, June 1, 1965, Records of the Supreme Court of the United States

Rejection of the proposed Child Labor constitutional amendment by the state legislature of Missouri, January 13, 1925, Records of the U.S. Senate (Identifier 24824328)

President Franklin D. Roosevelt's radio address on the 150th anniversary of the ratification of the Bill of Rights, December 15, 1941, Franklin Delano Roosevelt Presidential Library

"The Bill of Rights and Beyond" poster, printed for the 200th anniversary of the Constitution by the Bicentennial Commission, circa 1991, Records of Temporary Committees, Commissions, and Boards (Identifier 24520428

Letter from Mrs. E. Jackson in Favor of Voting Rights, March 8, 1965, Records of the U.S. House of Representatives (Identifier 2173239)

Photograph of the ruins of the Mt. Pleasant Society Hall in Gluckstadt, Mississippi, destroyed by fire on August 11, 1964, Records of the U.S. House of Representatives (Identifier 2173234)

H.J. Res. 159 proposing an amendment to the Constitution to extend the right to vote to widows and spinsters who are property holders, endorsed April 30, 1888, Records of the U.S. House of Representatives (Identifier 25466157)

House Judiciary Committee receiving a deputation of Female Suffragists, February 4, 1871, Collection of the U.S. House of Representatives

Letter from the Metropolitan Washington Board of Trade regarding federal taxes paid by residents of the District of Columbia, September 27, 1977, Records of the U.S. House of Representatives (Identifier 24200388)

No Taxation Without Representation, cartoon by Clifford Berryman, November 20, 1920, Records of the U.S. Senate Collection (Identifier 6011646)

Telegram from Augustus C. Johnson in favor of abolition of the poll tax, May 16, 1962, Records of the U.S. House of Representatives (Identifier 26283961)

Certification of the ratification of the 26th Amendment, with the signatures of three 18-year-olds, July 5, 1971, Records of the General Government (Identifier 1636091)

"Hey! They're gonna treat me like a man!" political cartoon by Bruce Shanks, Buffalo Evening News, June 29, 1968, Lyndon B. Johnson Presidential Library (Identifier 26080953)

Photograph of Marine landing at Danang, August 3, 1965, Records of the U.S. Marine Corps (Identifier 595865)

Vietnam . . . "Home is where you dig" was the sign over the fighting bunker of Private First Class Edward, Private First Class Falls and Private First Class Morgan of the 1st Battalion, 7th Regiment, during Operation Worth, 1968, Records of the U.S. Marine Corps (Identifier 532482)

"Following a hard day, a few members of Company "A," 3rd Battalion, 22nd Infantry (Mechanized), 25th Infantry Division, gather around a guitar player and sing a few songs . . . ," January 18, 1968, Records of the Office of the Chief Signal Officer (Identifier 530617)

Petition from citizens of Kentucky in favor of colonizing free blacks in Africa, April 23, 1832, Records of the U.S. House of Representatives (Identifier 26081772)

Petition from the Union Fire Company in Lancaster, Pennsylvania, in support of the Crittenden Compromise, February 6, 1861, Records of the U.S. Senate (Identifier 306495)

Manumission papers filed by slave owner Margaret Barber, May 18, 1862, Records of District Courts of the United States (Identifier 4656006)

H.J. Res 80 proposing a constitutional amendment to prohibit Congress from abolishing slavery [Corwin Amendment], March 2, 1861, Records of the U.S. Senate (Identifier 24824293)

Joint Resolution Proposing the Fourteenth Amendment to the United States Constitution, proposed June 13, 1866, Records of the General Government (Identifier 1408913)

Complaint, Brown v. Board of Education of Topeka, June 19, 1951, Records of District Courts of the United States (Identifier 6997520)

Letter from the State Department regarding a resolution to amend the Constitution to disallow citizenship to brown or yellow races, December 13, 1920, Records of the U.S. Senate

Letter from Liz Carpenter in support of the Equal Rights Amendment, September 23, 1971, Records of the U.S. House of Representatives (Identifier 24824217)

Photograph of President Jimmy Carter signing the resolution for extension of the ratification deadline for the Equal Rights Amendment, October 20, 1978, Jimmy Carter Presidential Library (Identifier 181970)

Letter from Mrs. Thomas Zeko opposed to the Equal Rights Amendment, September 9, 1971, Records of the U.S. House of Representatives (Identifier 24824228)

Photograph of a woman at the STOP ERA booth at the National Women's Conference in Houston, Texas, 1977, Records of Temporary Committees, Commissions, and Boards (Identifier 24520410)

REFINING POWERS

Motion of Senator John Quincy Adams to appoint a committee to Inquire into the need for further measures to carry into effect the Louisiana Purchase Treaty, November 25, 1803, Records of the U.S. Senate (Identifier 24824286)

Map of the Territory of Louisiana, 1803-1819, 1903, Records of the Bureau of Land Management (Identifier 594889)

Petition for a constitutional amendment to hold national referendums on declarations of war, circa 1938, Records of the U.S. House of Representatives (Identifier 24200391)

Poster encouraging early filing of income taxes, circa 1945, Records of the Office of Government Reports (Identifier 516201)

President Ronald Reagan's 1988 State of the Union Address, on a balanced budget amendment, January 25, 1988, Ronald Reagan Presidential Library

Report on an amendment to the Constitution relating to titles of nobility, February 15, 1810, Records of the U.S. Senate (Identifier 26081775)

Petition to amend the preamble of the Constitution to recognize the authority and law of Jesus Christ, the Saviour and King of Nations, February 15, 1923, Records of the U.S. House of Representatives (Identifier 24200385)

Letter from the Polish American Congress in support of a constitutional amendment to make English the official language of the United States, February 6, 1984, Records of the U.S. Senate (Identifier 26283956)

"Seguridad Contra Fuegos" FEMA Fire Safety poster in Spanish, 1997, Records of the Federal Emergency Management Agency (Identifier 24520429)

Letter from the Old-Time Printers' Association in favor of Prohibition, November 27, 1917, Records of the U.S. House of Representatives (Identifier 25466032)

Photograph of Prohibition agents destroying a bar, circa 1930, Records of the U.S. Information Agency

Letter from Pitze's Beauty Parlor Supply in favor of repeal of Prohibition, December 8, 1932, Records of the U.S. House of Representatives (Identifier 24824338)

Manslaughter?, political cartoon by Clifford Berryman, March 8, 1922, Records of the U.S. Senate (Identifier 6011715)

H.J. Res 661 to propose a constitutional amendment to prohibit drunkenness, with handwritten note, April 21, 1938, Records of the U.S. House of Representatives (Identifier 24824208)

"Young pickers on Swift's Bog. All working. Falmouth, MA" ("Children at Work"), September 20, 1911, Records of the Children's Bureau (Identifier 523480)

"Little Lottie, a regular oyster shucker in Alabama Canning Co. She speaks no English. Note the condition of her shoes caused by standing on the rough shells so much. A common sight. Bayou La Batre, Ala." February 22, 1911, Records of the Children's Bureau (Identifier 523398)

"A little spinner in a Georgia Cotton Mill." January 1909, Records of the Children's Bureau (Identifier 523157)

Letter from Suzanne Heber Supporting Keating-Owen Child Labor Bill, February 25, 1916, Records of the U.S. Senate (Identifier 5685996)

Letter from George S. Cox opposed to a constitutional amendment on the regulation of child labor, April 7, 1924, Records of the U.S. House of Representatives (Identifier 5678182)

Photograph of newsboys selling near the Capitol building, by Lewis Hine, April 10, 1912, Records of the U.S. House of Representatives (Identifier 306628)

Letter to Senator Birch Bayh regarding congressional hearings on constitutional amendments on abortion, January 29, 1974, Records of the U.S. Senate (Identifier 26283954)

"Defense of Plural Marriage by the Women of Utah County," circa 1878, Records of the Office of the Secretary of the Interior (Identifier 24747004)

H.R. 8 proposing an amendment to the Constitution to prohibit any person involved in a duel from holding federal office, March 5, 1838, Records of the U.S. House of Representatives (Identifier 25466015)

Petition from the Catholic War Veterans of Philadelphia against the sale and distribution of smut, September 7, 1960 (date received), Records of the U.S. House of Representatives (Identifier 26081779)

Petition for a constitutional amendment establishing the duty of all persons to tell the truth, the whole truth, and nothing but the truth, October 17, 1963, Records of the U.S. Senate (Identifier 26283958)

THE SHAPE OF OUR GOVERNMENT

Untitled. [Anti-Third Term Principle], cartoon by Clifford Berryman, October 1, 1912, Records of the U.S. Senate Collection (Identifier 306175)

Letter to President Franklin D. Roosevelt from Peter Warwick, Jr., in support of a third Presidential term, June 8, 1940, Franklin Delano Roosevelt Presidential Library (Identifier 26080948)

Motion to amend the resolution to strike out "President" and insert "Vice President now exercising the office of President," May 31, 1841, Records of the U.S. House of Representatives (Identifier 25466017)

Lyndon Baines Johnson taking the Presidential Oath of Office Aboard Air Force One, November 22, 1963, John F. Kennedy Presidential Library (Identifier 194235)

Letter from House Minority Leader Gerald R. Ford to President Nixon with recommendations for nomination to the Vice Presidency, October 11, 1973, Richard M. Nixon Presidential Library (Identifier 26080952)

Copy of a letter to Congress that was to be used in case of the President's incapacitation as a result of the assassination attempt, March 1981, Ronald Reagan Presidential Library

Memorial regarding the abolition of the Presidency, circa February 1868, Records of the U.S. Senate (Identifier 25466022)

Petition for a constitutional amendment that representation in Congress be apportioned by including the animal property of the free states as well as the slave property of the slaveholding states, circa 1844, Records of the U.S. House of Representatives (Identifier 25466018)

Petition for a constitutional amendment to expel members of Congress who are absent for more than 40 percent of roll call votes, circa 1971, Records of the U.S. Senate (Identifier 26283957

Electoral college tally for the 1800 Presidential election, February 11, 1801, Records of the U.S. Senate

Resolutions of the Commonwealth of Massachusetts to amend the Constitution to abolish the electoral college and establish direct popular

election of the President, May 15, 1969, Records of the U.S. House of Representatives (Identifier 24200387)

H.J. Res. 8 proposing a constitutional amendment to elect the President by lot, January 13, 1846, Records of the U.S. House of Representatives (Identifier 24200386)

Petition of the State Grange of Illinois for the direct election of Senators, January 1, 1898, Records of the U.S. Senate (Identifier 25466385)

Untitled, ["Just the usual crop of senatorial deadlocks"], cartoon by Clifford Berryman, February 4, 1911, Records of the U.S. Senate (Identifier 6010878)

HOW WE AMEND

Joint resolution of the state legislature of Louisiana calling for a constitutional convention under Article V of the Constitution to propose an amendment for direct election of senators, November 25, 1907, Records of the U.S. Senate (Identifier 25466158)

Connecticut's ratification of the Bill of Rights, April 24, 1939, Records of the U.S. House of Representatives (Identifier 25466386)

Senator Charles Sumner's resolutions declaring the rule in ascertaining the three-fourths of the several states required in the ratification of a Constitutional amendment, February 4, 1865, Records of the U.S. Senate (Identifier 26081761)

Honorable Charles Sumner, circa 1860-1865, Records of the Office of the Chief Signal Officer

Certification of the ratification of the 27th Amendment to the Constitution by the Archivist of the United States, May 18, 1992, Records of the General Government (Identifier 1512313)

Photograph of Archivist of the United States Don Wilson signing the certification of the ratification of the 27th Amendment to the Constitution, May 18, 1992, George H.W. Bush Presidential Library



© 2016 National Archives and Records Administration, Washington, DC

Amending America, ISBN# 978-1-941414-15-6